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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Case No. 1:19-cr-227
(LJV)

v.

March 5, 2024

JOSEPH BONGIOVANNI,

Defendant.

TRANSCRIPT EXCERPT - EXAMINATION OF K.L.
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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NICHOLAS T. COOPER, ESQ.
CASEY L. CHALBECK, ESQ.

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And

UNITED STATES DEPARTMENT OF JUSTICE
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For the Plaintiff

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For the Defendant

PRESENT:

BRIAN A. BURNS, FBI Special Agent
MARILYN K. HALLIDAY, HSI Special Agent
KAREN A. CHAMPOUX, USA Paralegal

1 LAW CLERK: REBECCA FABIAN IZZO, ESQ.

2 COURT DEPUTY CLERK: COLLEEN M. DEMMA

3 COURT REPORTER: ANN MEISSNER SAWYER, FCRR, RPR, CRR
4 Robert H. Jackson Federal Courthouse
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9 (Excerpt commenced at 2:28 p.m.)

10 (Jury is present.)

02:28PM

11 **THE COURT:** The government can call its next witness.

02:28PM

12 **MR. COOPER:** Thank you, Judge. The government calls

02:28PM

13 K.L.

02:28PM

14

02:29PM

15 **K. L.**, having been duly called and sworn, testified as
16 follows:

02:29PM

17 **MR. COOPER:** Your Honor, are you expecting a 3 p.m.,
18 approximately, a break today?

02:29PM

19 **THE COURT:** We can.

02:29PM

20 **MR. COOPER:** I'll just try to pick a time, because
21 this is going to be about 45 minutes to an hour. So if you
22 want me to pick a time around 3, does that work?

02:29PM

23 **THE COURT:** We can go a little past.

02:30PM

24 **MR. COOPER:** Thank you, Judge. May I inquire?

02:30PM

25 **THE COURT:** Yes.

02:30PM 1 DIRECT EXAMINATION BY MR. COOPER:

02:30PM 2 Q. Good afternoon, Ms. K.L.

02:30PM 3 A. Good afternoon.

02:30PM 4 Q. Would you introduce yourself to the jury?

02:30PM 5 A. Hi, I'm K.L.

02:30PM 6 Q. How old are you, K.L.?

02:30PM 7 A. 38.

02:30PM 8 Q. Where did you grow up at?

02:30PM 9 A. Lancaster, New York.

02:30PM 10 Q. How far have you gone in school?

02:30PM 11 A. Associates.

02:30PM 12 Q. Okay. So did you go to high school?

02:30PM 13 A. Yes, I graduated high school.

02:30PM 14 Q. Where did you go to high school?

02:30PM 15 A. Lancaster.

02:30PM 16 Q. And you said you graduated, and then you got an
02:30PM 17 associate's degree?

02:30PM 18 A. Um-hum.

02:30PM 19 Q. Where did you get that associate's degree from?

02:30PM 20 A. Purdue Global. It was online.

02:30PM 21 Q. And what's the degree in?

02:30PM 22 A. Medical administration.

02:30PM 23 Q. When did you get that degree?

02:30PM 24 A. 2021.

02:30PM 25 Q. Okay. And do you have any professional licenses?

02:30PM 1 A. Cosmetology.

02:30PM 2 Q. When did you obtain a cosmetology license?

02:30PM 3 A. 2003.

02:30PM 4 Q. After you graduated from Lancaster High School, what

02:30PM 5 sorts of work did you start doing?

02:30PM 6 A. I did front desk. I did collections. And I did hair.

02:31PM 7 Q. When you say you did collections, is that, like, debt

02:31PM 8 collections?

02:31PM 9 A. Yes.

02:31PM 10 Q. And then you did hair?

02:31PM 11 A. Um-hum.

02:31PM 12 Q. Is that like a hair salon?

02:31PM 13 A. Yes.

02:31PM 14 Q. Have you ever been convicted of a felony before?

02:31PM 15 A. No.

02:31PM 16 Q. Have you ever been convicted of a crime involving

02:31PM 17 dishonesty before?

02:31PM 18 A. No.

02:31PM 19 Q. Were you convicted of a B misdemeanor for attempted --

02:31PM 20 **MR. SINGER:** Objection.

02:31PM 21 **THE COURT:** Basis?

02:31PM 22 **MR. SINGER:** It's improper impeachment, Judge.

02:31PM 23 **MR. TRIPI:** No, it's not.

02:31PM 24 **MR. COOPER:** I'm not impeaching the witness.

02:31PM 25 **THE COURT:** Overruled.

02:31PM

1 BY MR. COOPER:

2 Q. Were you convicted of attempted filing of a false report?

3 A. Yes.

4 Q. Okay. And how long ago did that happen?

5 A. That was 2019, I believe.

6 Q. And so is it your understanding that that was a

7 B misdemeanor?

8 A. Yes.

9 Q. Okay. At times in your life, K.L., have you struggled
10 with drugs?

11 A. Yes.

12 Q. Have you struggled with drug addiction?

13 A. Yes.

14 Q. What types of drugs have you used in your life?

15 A. Cocaine, Lortabs, and mushrooms.

16 Q. Have you smoked marijuana?

17 A. No.

18 Q. Never in your while life?

19 A. No, I never smoked marijuana.

20 Q. Okay. Have you used THC in another form before?

21 A. A gummy.

22 Q. Okay. As you sit here today, have you used any drugs
23 before testifying?

24 A. No.

25 Q. Have you drank any alcohol?

02:32PM 1 A. No.

02:32PM 2 Q. Are you clearheaded right now?

02:32PM 3 A. Yes.

02:32PM 4 Q. When was the last time that you used cocaine

02:32PM 5 approximately?

02:32PM 6 A. Approximately 2018.

02:32PM 7 Q. Okay. When was the last time that you used opiates or

02:32PM 8 Lortabs?

02:32PM 9 A. 2009.

02:32PM 10 Q. And how about any drugs at all, when's the last time you

02:32PM 11 used any drugs at all?

02:32PM 12 A. Within the past year, I did have mushroom chocolate.

02:32PM 13 Q. Once, or more than once?

02:32PM 14 A. Twice.

02:32PM 15 Q. Okay. And when you say "mushroom chocolate," we're

02:33PM 16 talking psychedelic mushrooms?

02:33PM 17 A. Yes.

02:33PM 18 Q. How old were you when you first tried cocaine?

02:33PM 19 A. About 19, 20.

02:33PM 20 Q. How old were you when you first tried Lortabs?

02:33PM 21 A. 23.

02:33PM 22 Q. Do you know a person by the name of Peter Gerace?

02:33PM 23 A. Yes.

02:33PM 24 Q. How do you know that person?

02:33PM 25 A. I worked for him, and I dated him.

02:33PM 1 Q. You say you worked for him. Where did you work for him
02:33PM 2 at?

02:33PM 3 A. At Pharaoh's.

02:33PM 4 Q. How old were you when you first met Peter Gerace?

02:33PM 5 A. I was about 19.

02:33PM 6 Q. And when you met Peter for the first time, where did you
02:33PM 7 meet him?

02:33PM 8 A. At Pharaoh's.

02:33PM 9 Q. At that very moment in your life when you're meeting
02:33PM 10 Peter Gerace for the first time, what was your cocaine use
02:33PM 11 like?

02:33PM 12 A. I never used cocaine before.

02:33PM 13 Q. At that point in your life, the moment that you're
02:34PM 14 meeting Peter Gerace, how many times had you used Lortabs
02:34PM 15 before?

02:34PM 16 A. Never.

02:34PM 17 Q. After meeting with Peter Gerace, what happened to your
02:34PM 18 cocaine use?

02:34PM 19 A. I started using it a lot.

02:34PM 20 Q. And did that progress over time?

02:34PM 21 A. Yes.

02:34PM 22 Q. Did it become more frequent?

02:34PM 23 A. Yes.

02:34PM 24 Q. After meeting Peter Gerace, what happened with respect to
02:34PM 25 your Lortab use?

02:34PM 1 A. I started using Lortabs, and started taking more and more
02:34PM 2 every day.

02:34PM 3 Q. Okay. As you sit here today, is there a relationship
02:34PM 4 between the time in your life that you met Peter Gerace and
02:34PM 5 your increased drug use that you just testified about?

02:34PM 6 A. Yes.

02:34PM 7 Q. Can you explain that to the jury?

02:34PM 8 A. I never used cocaine or Lortabs before, before meeting
02:34PM 9 Peter. And I became -- it just became, like, a daily thing.
02:34PM 10 And then it got to the point where I would get sick if I
02:35PM 11 didn't have it.

02:35PM 12 Q. We're going to circle back to that in a little bit. But
02:35PM 13 for now, you told us I think that you were about 19 when you
02:35PM 14 started working there; is that correct?

02:35PM 15 A. Yes.

02:35PM 16 Q. And did you have, like, a tryout or an audition?

02:35PM 17 A. Yes.

02:35PM 18 Q. Can you describe for the jury your -- what happened at
02:35PM 19 your tryout or audition?

02:35PM 20 A. I got there. I went in the dressing room and changed,
02:35PM 21 and I finally came out. And that's when I met Peter, and he
02:35PM 22 was with a girl, and -- Brie. I don't remember if he had a
02:35PM 23 drink first, but she took me to the bathroom. He said, go
02:35PM 24 with Brie, she'll show you around. And she gave me cocaine
02:35PM 25 out of a bullet in the bathroom. That was the first time

02:35PM 1 that I ever used cocaine.

02:35PM 2 Q. Who was Brie?

02:36PM 3 A. She was a girl that worked there.

02:36PM 4 Q. And was this your very first day in your audition?

02:36PM 5 A. Yes.

02:36PM 6 Q. And so you said that you meet Peter, and he's with a

02:36PM 7 woman named Brie?

02:36PM 8 A. Yes.

02:36PM 9 Q. And what does Peter say to you?

02:36PM 10 A. He introduced himself. And he said -- and introduced

02:36PM 11 Brie. And he said, this is Brie. And he said, Brie, take

02:36PM 12 her and show her around.

02:36PM 13 So she took me to the bathroom, and showed me around.

02:36PM 14 And then that's the first time I did cocaine was in the

02:36PM 15 bathroom.

02:36PM 16 Q. So when you're standing there, are you in, like, the kind

02:36PM 17 of general where the stage is standing near the bar --

02:36PM 18 A. Yes.

02:36PM 19 Q. -- during that conversation?

02:36PM 20 A. Yes.

02:36PM 21 Q. So I'm talking specifically about the conversation with

02:36PM 22 Peter and Brie, okay? Were you nervous at that moment?

02:36PM 23 A. Yes.

02:36PM 24 Q. Had you ever done exotic dancing before?

02:36PM 25 A. No.

02:36PM 1 Q. Did you know that you were going to have to take your
02:36PM 2 clothes off?

02:36PM 3 A. Yes.

02:36PM 4 Q. Do you remember appearing physically nervous?

02:37PM 5 A. Yeah.

02:37PM 6 Q. When you went with Brie, you said she showed you around,
02:37PM 7 and then she brought you to the bathroom?

02:37PM 8 A. Yes.

02:37PM 9 Q. Do you remember how -- do you remember how Brie provided
02:37PM 10 you cocaine?

02:37PM 11 A. It was in a pink little thing, I believe it's called a
02:37PM 12 bullet.

02:37PM 13 Q. And can you describe for the jury how -- this may sound
02:37PM 14 like a silly question, how did you use the cocaine?

02:37PM 15 A. She put it up to my nose. And you breathe in. So I
02:37PM 16 breathed in, so --

02:37PM 17 Q. Okay. And so --

02:37PM 18 A. And that's how I did it.

02:37PM 19 Q. I'm sorry, I talked on top of you.

02:37PM 20 A. Oh.

02:37PM 21 Q. That was my fault. What was the physical effect that
02:37PM 22 that had on you?

02:37PM 23 A. It made me feel great. I didn't feel nervous anymore.

02:37PM 24 Q. What did you do after taking that blast of cocaine?

02:37PM 25 A. We had a drink. And then I did my audition shortly

02:37PM 1 after.

02:37PM 2 Q. Did you end up getting hired?

02:38PM 3 A. Yes.

02:38PM 4 Q. Okay. The audition went okay, I guess?

02:38PM 5 A. Yes.

02:38PM 6 Q. Okay. And how long did you work there at that very first
02:38PM 7 time with the audition that we just talked about?

02:38PM 8 A. The night of the audition, and one other night.

02:38PM 9 Q. Can you explain to the jury why it was just such a
02:38PM 10 short-lived tenure that very first time there?

02:38PM 11 A. Because the night of the audition, right before the
02:38PM 12 audition, someone came over and tapped me on the shoulder and
02:38PM 13 said someone wanted to talk to me.

02:38PM 14 I knew this man, he knew my boyfriend at the time. And
02:38PM 15 so he told him. And I went back another day, I believe it
02:38PM 16 was a Monday night. And I was dancing on stage, and my dad
02:38PM 17 and my boyfriend walked in.

02:38PM 18 Q. What was that like?

02:38PM 19 A. So embarrassing.

02:38PM 20 Q. Did you have clothes on?

02:39PM 21 A. No.

02:39PM 22 Q. And did that kind of end your first tenure at Pharaoh's?

02:39PM 23 A. Yes.

02:39PM 24 Q. Did you go back to work there the next day?

02:39PM 25 A. No.

02:39PM 1 Q. Eventually did there come a time when you did go back to
02:39PM 2 work there?

02:39PM 3 A. Yes.

02:39PM 4 Q. How long after that first short stint at Pharaoh's did
02:39PM 5 you go back to work there?

02:39PM 6 A. I would say three, four years.

02:39PM 7 Q. Okay. And I think you just told us that, well, how old
02:39PM 8 were you during that first stint at Pharaoh's?

02:39PM 9 A. I was about 19.

02:39PM 10 Q. And so the second stint at Pharaoh's, were you --

02:39PM 11 A. I was 23.

02:39PM 12 Q. I know you know what I'm asking next, but can you wait
02:39PM 13 until I'm finish asking --

02:39PM 14 A. Oh, I'm sorry.

02:39PM 15 Q. -- the question?

02:39PM 16 That's okay. Try to wait until I finish asking, and then
02:39PM 17 you can answer. That way Ann can type everything down.

02:39PM 18 How old were you during that second stint at Pharaoh's?

02:39PM 19 A. 23.

02:39PM 20 Q. During that gap in between, what was going on in your
02:40PM 21 life between age 19 and 23 that you weren't working at
02:40PM 22 Pharaoh's?

02:40PM 23 A. I was doing hair. I was doing maybe collections at the
02:40PM 24 time. Maybe that's when it was.

02:40PM 25 Q. Okay. Let's stay on the collections thing for a second.

02:40PM 1 When you were doing collections, were you collecting --
02:40PM 2 trying to think how to ask this. Was it an ethical
02:40PM 3 collecting practice the way you were doing it?

02:40PM 4 A. Yes.

02:40PM 5 **MR. SINGER:** Objection, relevance.

02:40PM 6 **THE COURT:** Yeah.

02:40PM 7 **MR. COOPER:** Okay. I'll move on.

02:40PM 8 **BY MR. COOPER:**

02:40PM 9 Q. When you go back to Pharaoh's at about age 23 or 24, can
02:40PM 10 you estimate for the jury what year that would have been?

02:40PM 11 A. 2009.

02:40PM 12 Q. When you came back to Pharaoh's in 2009, would you see
02:41PM 13 Peter Gerace at Pharaoh's?

02:41PM 14 A. Yes.

02:41PM 15 Q. Where would you typically see him?

02:41PM 16 A. At the bar, or upstairs, or in the office.

02:41PM 17 Q. Okay. Have you ever used cocaine with Peter Gerace
02:41PM 18 before?

02:41PM 19 A. Yes.

02:41PM 20 Q. Once, or more than once?

02:41PM 21 A. More than once.

02:41PM 22 Q. Have you used cocaine with Peter Gerace at Pharaoh's?

02:41PM 23 A. Yes.

02:41PM 24 Q. Would you offer it to him, or would he offer it to you,
02:41PM 25 or can you describe that?

02:41PM 1 A. He always offered it to me.

02:41PM 2 Q. That happened frequently?

02:41PM 3 A. Yes.

02:41PM 4 Q. Do you know an individual that went by the name Charm?

02:41PM 5 A. Yes.

02:41PM 6 Q. Do you know that person's real name?

02:41PM 7 A. Yes.

02:41PM 8 Q. What is it?

02:41PM 9 A. Jessica Leyland.

02:41PM 10 Q. Did that person work at Pharaoh's?

02:41PM 11 A. Yes.

02:41PM 12 Q. Okay. And what was your understanding of what that

02:41PM 13 person's job was at Pharaoh's?

02:41PM 14 A. She was a dancer, but she also had a stag company.

02:42PM 15 Q. Okay. And how many dancers do you think worked on an

02:42PM 16 average weekend, the number of different women that were

02:42PM 17 there?

02:42PM 18 A. Maybe like 50.

02:42PM 19 Q. Are you estimating?

02:42PM 20 A. Estimating, yeah.

02:42PM 21 Q. That's fine. If you're estimating, just let us know.

02:42PM 22 A. Okay.

02:42PM 23 Q. That second stint working at Pharaoh's, did that last

02:42PM 24 longer than the first one?

02:42PM 25 A. Yes.

02:42PM 1 Q. About how long would you say that second stint at
02:42PM 2 Pharaoh's lasted?

02:42PM 3 A. From -- I would say end of March, early April that year
02:42PM 4 till beginning of August.

02:42PM 5 Q. Like four or five months?

02:42PM 6 A. Yeah.

02:42PM 7 Q. And during the four or five months that you worked there
02:42PM 8 at about age 23, were you using cocaine?

02:42PM 9 A. Yes.

02:42PM 10 Q. Were you using Lortabs?

02:42PM 11 A. Yes.

02:42PM 12 Q. Can you describe kind of the status of your drug use at
02:42PM 13 that time at age 23?

02:43PM 14 A. At age 23, that's -- that's when I started using the
02:43PM 15 Lortabs. It started with a headache. I had a headache, and
02:43PM 16 Peter said it would help. So I just was taking them. And I
02:43PM 17 would just need to take more.

02:43PM 18 Q. So, let's break that down a bit. Do you remember the
02:43PM 19 first time you ever used the Lortab?

02:43PM 20 A. Yes.

02:43PM 21 Q. Who gave it to you?

02:43PM 22 A. Peter.

02:43PM 23 Q. And is that related to what you just told us, you had a
02:43PM 24 headache?

02:43PM 25 A. Yes.

02:43PM 1 Q. And after you took one, did you start to take them with
02:43PM 2 more frequency?

02:43PM 3 A. Yes.

02:43PM 4 Q. And is that during that time frame, the four or five
02:43PM 5 months that you worked at Pharaoh's at age 23?

02:43PM 6 A. Yes.

02:43PM 7 Q. Who was providing them to you while you were there?

02:43PM 8 A. Peter.

02:43PM 9 Q. Okay. During that four to five months that you worked at
02:43PM 10 Pharaoh's in 2009, did Peter provide you with cocaine, as
02:44PM 11 well?

02:44PM 12 A. Yes.

02:44PM 13 Q. How often did that happen?

02:44PM 14 A. Every day.

02:44PM 15 Q. Did you become physically dependant on cocaine?

02:44PM 16 A. Yes.

02:44PM 17 Q. What would happen on a day like that back at age 23 if
02:44PM 18 you woke up in the morning and hadn't had any cocaine?

02:44PM 19 A. I wouldn't even want to move.

02:44PM 20 Q. How --

02:44PM 21 A. Depressed.

02:44PM 22 Q. -- how about Lortabs? Did you become physically
02:44PM 23 dependant on Lortabs?

02:44PM 24 A. Yes.

02:44PM 25 Q. What would happen if you didn't use Lortabs?

02:44PM 1 A. It was -- throwing up, sick, my legs hurt. I was, like,
02:44PM 2 sweating and then freezing. It was awful.

02:44PM 3 Q. Did you develop an understanding during the four or five
02:44PM 4 months that you worked at Pharaoh's at age 23 about the
02:44PM 5 different people that you could obtain cocaine from at
02:44PM 6 Pharaoh's?

02:44PM 7 A. Yes.

02:44PM 8 Q. Were there a number of different people?

02:44PM 9 A. Yes.

02:44PM 10 Q. Who were they?

02:44PM 11 A. Peter, Jessica, A.P.

02:44PM 12 Q. Do you know A.P.'s last name?

02:45PM 13 A. It starts with a P.

02:45PM 14 Q. Okay. Is it hard to pronounce?

02:45PM 15 A. And ends in S-K-I. Yes.

02:45PM 16 Q. Who else?

02:45PM 17 A. Dan.

02:45PM 18 Q. What was that person's role there?

02:45PM 19 A. A manager.

02:45PM 20 Q. Okay. Who else?

02:45PM 21 A. Marcus.

02:45PM 22 Q. Okay. Do you know Marcus's last name?

02:45PM 23 A. Black.

02:45PM 24 Q. Okay. Anybody else?

02:45PM 25 A. Brandon.

02:45PM 1 Q. Do you know that person's last name?

02:45PM 2 A. Carr.

02:45PM 3 Q. Okay. Anybody else?

02:45PM 4 A. Nicole.

02:45PM 5 Q. Do you know that person's last name?

02:45PM 6 A. Alfieri.

02:45PM 7 Q. Okay. Anybody else?

02:45PM 8 A. Brent.

02:45PM 9 Q. Do you know that person's last name?

02:45PM 10 A. Phillips.

02:45PM 11 Q. Okay. What was that person's role? Did they work at

02:45PM 12 Pharaoh's?

02:45PM 13 A. He didn't work at Pharaoh's.

02:45PM 14 Q. Were you able to obtain cocaine from him at Pharaoh's?

02:45PM 15 A. Yes.

02:45PM 16 Q. Okay. And that's the list of people we're talking about

02:45PM 17 right now is people you knew you could get cocaine from at

02:46PM 18 Pharaoh's. You've listed a number of people. Is there

02:46PM 19 anybody else that you can think of, that you can remember?

02:46PM 20 A. Not that I can remember.

02:46PM 21 Q. Do you know a person named PJ?

02:46PM 22 A. Yes.

02:46PM 23 Q. Did PJ work at Pharaoh's?

02:46PM 24 A. Yes.

02:46PM 25 Q. Did PJ belong on that list?

02:46PM

1 A. Yes.

02:46PM

2 Q. Okay. So was he somebody you could get cocaine from?

02:46PM

3 A. Yes.

02:46PM

4 Q. Have you, in fact, gotten cocaine from PJ in your life?

02:46PM

5 A. He has given it to me.

02:46PM

6 Q. Okay. So, and that's a point here. When I asked about

02:46PM

7 obtaining cocaine or getting cocaine, I'm not asking whether

02:46PM

8 you paid money for it or not, I'm just asking if you received

02:46PM

9 it from someone; do you understand?

02:46PM

10 A. Yes.

02:46PM

11 Q. You mentioned A.P.; do you remember that?

02:46PM

12 A. Yes.

02:46PM

13 Q. Did you obtain cocaine from A.P.?

02:46PM

14 A. Yes.

02:46PM

15 Q. Were you the only person inside of Pharaoh's that was

02:47PM

16 using cocaine?

02:47PM

17 A. No.

02:47PM

18 Q. Did you observe other people using cocaine?

02:47PM

19 A. Yeah.

02:47PM

20 Q. Let's talk about categories of people. Did you observe

02:47PM

21 other dancers using cocaine?

02:47PM

22 A. Yes.

02:47PM

23 Q. Did you observe customers using cocaine?

02:47PM

24 A. Yes.

02:47PM

25 Q. Did you observe the owner using cocaine?

02:47PM 1 A. Yes.

02:47PM 2 Q. Did the observe DJs using cocaine?

02:47PM 3 A. Yes.

02:47PM 4 Q. Did you observe bartenders using cocaine?

02:47PM 5 A. Yes.

02:47PM 6 Q. Okay. Can you tell the jury about the different areas in

02:47PM 7 Pharaoh's where you would observe cocaine use or where you

02:47PM 8 personally used cocaine?

02:47PM 9 A. At the tables. At the bar. The side bathroom. Outside
02:47PM 10 where people go to smoke. The dressing room. The office.

02:47PM 11 And the upstairs. Pretty much everywhere.

02:47PM 12 Q. Based on the four or five months that you worked there at

02:48PM 13 age 23, did you develop an opinion about what percentage of

02:48PM 14 the dancers were using drugs there?

02:48PM 15 A. Yes.

02:48PM 16 Q. How many?

02:48PM 17 A. 99 percent.

02:48PM 18 Q. Okay. Based on your observations, your personal

02:48PM 19 experience during the four to five months that you worked

02:48PM 20 there, did you develop a perception about the number of

02:48PM 21 non-dancer staff who used or distributed drugs at Pharaoh's?

02:48PM 22 A. Can you repeat the question?

02:48PM 23 Q. Absolutely. Based upon your experience at Pharaoh's,

02:48PM 24 during that four- to five-month period, at age 23, did you

02:48PM 25 develop a perception, a belief, about the number of

02:48PM 1 non-dancer employees or people who worked at Pharaoh's that
02:48PM 2 used or sold cocaine?

02:48PM 3 A. Yes.

02:48PM 4 Q. How many, do you think? Like, what percentage of the --

02:48PM 5 A. Maybe 85.

02:48PM 6 Q. Okay. All the time that you've worked at Pharaoh's, did
02:49PM 7 anybody ever call the police on you for using cocaine?

02:49PM 8 A. No.

02:49PM 9 Q. Did anybody ever call the police on you for using
02:49PM 10 Lortabs?

02:49PM 11 A. No.

02:49PM 12 Q. Did anyone ever reprimand you for using drugs there?

02:49PM 13 A. No.

02:49PM 14 Q. Did you ever get kicked out?

02:49PM 15 A. No.

02:49PM 16 Q. Was there a stated rule, like, posted on a sign, a stated
02:49PM 17 policy about using drugs in Pharaoh's?

02:49PM 18 A. I don't remember if there was, if there was one, like,

02:49PM 19 posted up. There might have been something in the dressing
02:49PM 20 room.

02:49PM 21 Q. Okay.

02:49PM 22 A. But it was -- it was -- everybody did it.

02:49PM 23 Q. Okay. So, and we're going to break that down.

02:49PM 24 Do you have a recollection of whether there was, like, an
02:49PM 25 official policy, regardless of whether it was posted on the

02:49PM 1 wall, about drug use at Pharaoh's?

02:49PM 2 A. Yes.

02:49PM 3 Q. Was it technically supposed to be allowed?

02:49PM 4 A. No.

02:49PM 5 Q. Was that the reality of working there?

02:49PM 6 A. No.

02:49PM 7 Q. Did that -- did you ever see that rule get enforced?

02:49PM 8 A. Never.

02:49PM 9 Q. Okay. You're here under a subpoena to testify; is that

02:50PM 10 correct?

02:50PM 11 A. Yes.

02:50PM 12 Q. And you've previously met with agents of law enforcement

02:50PM 13 and prosecutors at the U.S. Attorney's Office, right?

02:50PM 14 A. Yes.

02:50PM 15 Q. And have you previously testified in the grand jury?

02:50PM 16 A. Yes.

02:50PM 17 Q. At the time that you previously testified, were you

02:50PM 18 working off any charges? Were you in trouble?

02:50PM 19 A. No.

02:50PM 20 Q. Okay. Did you receive any benefit from the government as

02:50PM 21 the result of your grand jury testimony?

02:50PM 22 A. No.

02:50PM 23 Q. Okay. Now, prior to testifying here today, has the

02:50PM 24 government provided you with some assistance?

02:50PM 25 A. Yes.

02:50PM 1 Q. Can you describe that?

02:50PM 2 A. They helped me with a security deposit, and a first month

02:51PM 3 for being able to secure an apartment.

02:51PM 4 Q. Do you remember approximately when that was?

02:51PM 5 A. November.

02:51PM 6 Q. Of -- this past November?

02:51PM 7 A. Yes.

02:51PM 8 Q. Do you know exactly how much money it was?

02:51PM 9 A. \$1,350. And then, twice.

02:51PM 10 Q. Okay.

02:51PM 11 A. So that was once -- separately.

02:51PM 12 Q. I'm not gonna try to multiply them, but 1,350 for a

02:51PM 13 security deposit, right?

02:51PM 14 A. Yes.

02:51PM 15 Q. And 1,350 again for a --

02:51PM 16 A. For a first month rent.

02:51PM 17 Q. Okay. Why did you need the government to --

02:51PM 18 **MR. SINGER:** Objection.

02:51PM 19 **BY MR. COOPER:**

02:51PM 20 Q. Were you able to afford these things on your own?

02:51PM 21 A. Not at the time.

02:51PM 22 **MR. SINGER:** Objection. Can we approach, please?

02:51PM 23 **MR. COOPER:** I'll withdraw the question and move on.

02:51PM 24 **THE COURT:** The jury will strike that. You're not

02:51PM 25 going to do any more with this?

02:51PM 1 **MR. COOPER:** I have, like, two more questions on it
02:51PM 2 and then move on.

02:51PM 3 **THE COURT:** Then come up.

02:51PM 4 **MR. COOPER:** Okay.

02:52PM 5 (Sidebar discussion held on the record.)

02:52PM 6 **MR. SINGER:** My only concern is that we're going to
02:52PM 7 get into an allegation of why did you take this money? Well,
02:52PM 8 because I was intimidated, for the purpose of protection, a
02:52PM 9 fear of intimidation.

02:52PM 10 It's not relevant to bring up at this point in time,
02:52PM 11 Judge, and it's also prejudicial. So I'm making the objection
02:52PM 12 on that basis.

02:52PM 13 **THE COURT:** So you don't think that's going to be the
02:52PM 14 answer?

02:52PM 15 **MR. COOPER:** No. And I actually admonished the
02:52PM 16 witness before she came in here today that this Court had made
02:52PM 17 a pretrial ruling, and that Mr. Singer and I had an agreement
02:52PM 18 that I was not going to bring that out on direct. So she's
02:52PM 19 under my instructions not to talk about the Jessica Leyland
02:52PM 20 threats.

02:52PM 21 The answer that I anticipate is that she didn't have
02:52PM 22 the money to afford a stable living situation.

02:52PM 23 **MR. SINGER:** Yeah, if you want to lead her on that.

02:52PM 24 **MR. COOPER:** No problem. I'll lead, thank you.

02:53PM 25 (End of sidebar discussion.)

02:53PM

1 BY MR. COOPER:

2 Q. Ms. K.L., I'm going to ask you a specific question, a
3 leading question, and just answer only what I'm asking, okay?

4 A. Yes.

5 Q. Is it your understanding that the government provided you
6 with the money for the security deposit and the first month's
7 rent because you didn't have the money to afford a stable
8 place to live?

9 A. Yes.

10 Q. Okay. Were there any strings attached to that payment of
11 the first month's rent?

12 A. No.

13 Q. And the security deposit?

14 A. No.

15 Q. Okay. Did anybody tell you you had to testify to a
16 specific thing?

17 A. No.

18 Q. Okay. At some point, did you learn in or around 2019
19 that you had been identified on a wiretap getting Adderall
20 from an individual named Jeff Anzalone?

21 A. Yes.

22 Q. Were you ever arrested or charged for buying Adderall
23 from Jeff Anzelone?

24 A. No.

25 Q. Why did you get Adderall from Jeff Anzelone?

02:54PM 1 A. I never bought it, but I have ADHD. So if I ran out, I
02:54PM 2 would just ask him if I could use a couple of his.
02:54PM 3 Q. Adderall is a stimulant, right?
02:54PM 4 A. Yes.
02:54PM 5 Q. It makes you feel good?
02:54PM 6 A. Um-hum.
02:54PM 7 Q. You have to answer "yes" or "no."
02:54PM 8 A. Oh, yes, it makes you feel focused.
02:54PM 9 Q. Okay. When did you meet Jeff Anzelone?
02:54PM 10 A. I met Jeff Anzalone in 2017 --
02:54PM 11 Q. Okay.
02:54PM 12 A. -- I believe, ish.
02:54PM 13 Q. Okay. And at the time you met Jeff Anzelone, did you
02:54PM 14 know him to use drugs like cocaine?
02:54PM 15 A. Yes.
02:54PM 16 Q. Okay. And did you use cocaine with Jeff Anzelone?
02:54PM 17 A. Yes.
02:54PM 18 Q. Okay. Have you gotten it from him before?
02:55PM 19 A. Yes.
02:55PM 20 Q. Were you involved in a physical or intimate relationship
02:55PM 21 with Jeff Anzelone at any point?
02:55PM 22 A. No, he was my boss.
02:55PM 23 Q. I'm sorry?
02:55PM 24 A. He was my boss, and we were good friends.
02:55PM 25 Q. I want to circle back now to the Pharaoh's Gentlemen's

02:55PM 1 Club, one of the areas that you mentioned using cocaine was
02:55PM 2 upstairs; is that correct?

02:55PM 3 A. Yes.

02:55PM 4 Q. Can you describe for the jury how you get to the upstairs
02:55PM 5 of the Pharaoh's Gentlemen's Club?

02:55PM 6 A. Yes. There's a door, and you go up the stairs. And then
02:55PM 7 there's a big room. And then, like, a separate apartment
02:55PM 8 behind the door.

02:55PM 9 Q. Would any customer just kind of randomly at Pharaoh's be
02:55PM 10 able to walk up and go upstairs?

02:55PM 11 A. No.

02:55PM 12 Q. Who controlled access to the upstairs?

02:55PM 13 A. Peter.

02:55PM 14 Q. What happened upstairs?

02:55PM 15 A. People did cocaine.

02:55PM 16 Q. Have you been upstairs before?

02:56PM 17 A. Yes.

02:56PM 18 Q. Once, or more than once?

02:56PM 19 A. More than once.

02:56PM 20 Q. Okay. And what have you done when you were upstairs?

02:56PM 21 A. Cocaine and having drinks.

02:56PM 22 Q. Do you remember the first time that you went upstairs at
02:56PM 23 Pharaoh's?

02:56PM 24 A. Yes.

02:56PM 25 Q. Who did you go up there with?

02:56PM 1 A. Peter.

02:56PM 2 Q. Okay. Were you with anybody else?

02:56PM 3 A. Yes.

02:56PM 4 Q. Who else?

02:56PM 5 A. I was up there with -- there were a few of Peter's

02:56PM 6 friends, A.P., Nicole, and G.R.

02:56PM 7 Q. Did G.R. work at the club?

02:56PM 8 A. Yes.

02:56PM 9 Q. Was she a dancer?

02:56PM 10 A. Yes.

02:56PM 11 Q. Did Nicole work at the club?

02:56PM 12 A. Yes.

02:56PM 13 Q. Was she a dancer?

02:56PM 14 A. Yes.

02:56PM 15 Q. Can you describe what happened when you, G.R., A.P.,

02:56PM 16 Nicole, and Peter's friends were upstairs?

02:56PM 17 A. We did cocaine.

02:56PM 18 Q. Who -- who -- who put the cocaine out?

02:56PM 19 A. Peter. But everybody had it.

02:56PM 20 Q. Okay.

02:56PM 21 A. But --

02:56PM 22 Q. Well, so --

02:56PM 23 A. It was, like, Peter gave it to everyone to put on the

02:57PM 24 tray.

02:57PM 25 Q. Okay. Well, that's my question, who provided the

02:57PM 1 cocaine?

02:57PM 2 A. Oh. Peter.

02:57PM 3 Q. Okay. About how much cocaine was it?

02:57PM 4 A. Maybe like an 8 Ball.

02:57PM 5 Q. Do you know how much in terms of weight an 8 Ball is?

02:57PM 6 A. 3 grams, a little over, I believe.

02:57PM 7 Q. So are you saying a little over 3 grams?

02:57PM 8 A. Yes.

02:57PM 9 Q. During the time that you worked at Pharaoh's, did you

02:57PM 10 develop an understanding of Peter being a person who you

02:57PM 11 could consistently get cocaine from?

02:57PM 12 A. Yes.

02:57PM 13 Q. Did there come a time where you became physically

02:57PM 14 involved with Peter Gerace?

02:57PM 15 A. Yes.

02:57PM 16 Q. Can you describe the first time that that happened for

02:58PM 17 the jury?

02:58PM 18 A. We started dating when I went back to work there in 2009.

02:58PM 19 Q. So is that around this age 23, four- to five-month

02:58PM 20 period?

02:58PM 21 A. Yes. Um-hum.

02:58PM 22 Q. Some of these questions are personal, so I apologize.

02:58PM 23 Did you ever have sex with Peter as Pharaoh's?

02:58PM 24 A. Yes.

02:58PM 25 Q. Where did that happen?

02:58PM 1 A. Upstairs.

02:58PM 2 Q. Can you describe how that played out for the jury? How
02:58PM 3 did you end up there?

02:58PM 4 A. We went upstairs to do cocaine. And he gave me cocaine.
02:58PM 5 And then he took his clothes off.

02:58PM 6 Q. Was that the first time you had sex with him?

02:58PM 7 A. Yes.

02:58PM 8 Q. Do you know approximately how old Peter was at that time?

02:58PM 9 **MR. SINGER:** Object to the relevance, Judge.

02:58PM 10 **THE COURT:** Sustained.

02:58PM 11 **MR. COOPER:** Okay.

02:59PM 12 **BY MR. COOPER:**

02:59PM 13 Q. About how many times have you had sex with Peter Gerace
02:59PM 14 upstairs at Pharaoh's?

02:59PM 15 A. More than ten or 20.

02:59PM 16 Q. Did you use drugs every single time you went upstairs in
02:59PM 17 that office area of Pharaoh's?

02:59PM 18 A. Yes.

02:59PM 19 Q. During that time frame in 2009 when you're about 23, did
02:59PM 20 your drug addiction get more serious?

02:59PM 21 A. Yes.

02:59PM 22 Q. Can you describe how your use of cocaine impacted you
02:59PM 23 physically?

02:59PM 24 A. I couldn't -- I couldn't get up unless I was using.

02:59PM 25 Q. Okay. Did there come a time when you had a medical issue

02:59PM 1 as a result of using cocaine?

02:59PM 2 A. Yes.

02:59PM 3 Q. Did something happen to your nose?

02:59PM 4 A. Yes.

02:59PM 5 Q. Was that around that same time period in 2009?

03:00PM 6 A. Yes.

03:00PM 7 Q. What happened to your nose?

03:00PM 8 A. There was a hole through my nose.

03:00PM 9 Q. A hole through your nose?

03:00PM 10 A. From using cocaine.

03:00PM 11 Q. When you say there's a hole through your nose, you're

03:00PM 12 talking about the outside, the tissue part of your nose, or

03:00PM 13 the --

03:00PM 14 A. The inside.

03:00PM 15 Q. -- the inside? Was that painful?

03:00PM 16 A. Extremely.

03:00PM 17 Q. Did you receive medical treatment for it?

03:00PM 18 A. Yes.

03:00PM 19 Q. Did that stop you from using cocaine for the rest of your
03:00PM 20 life?

03:00PM 21 A. No.

03:00PM 22 Q. Did you still struggle with addiction after that?

03:00PM 23 A. Yes.

03:00PM 24 Q. During that time frame, the four to five months that you
03:00PM 25 worked at Pharaoh's, did you use Lortabs on basically a daily

03:01PM 1 basis?

03:01PM 2 A. Yes.

03:01PM 3 Q. About how many a day do you think you were using?

03:01PM 4 A. I think I got up to about six a day.

03:01PM 5 Q. Who would you get them from?

03:01PM 6 A. Peter.

03:01PM 7 Q. Would you get them at Pharaoh's, or at a different
03:01PM 8 location, or both?

03:01PM 9 A. Both.

03:01PM 10 Q. Have you ever used fentanyl or a fentanyl patch?

03:01PM 11 A. Yes.

03:01PM 12 Q. And before when I asked you about different drugs you
03:01PM 13 used, I don't think you mentioned that. Why didn't you
03:01PM 14 mention it?

03:01PM 15 A. I didn't think of it.

03:01PM 16 Q. Okay. Have you used fentanyl?

03:01PM 17 A. Yes.

03:01PM 18 Q. In what form?

03:01PM 19 A. It was a patch.

03:01PM 20 Q. How did you use that?

03:01PM 21 A. I put the patch on my skin.

03:01PM 22 Q. Okay. Does fentanyl give you a similar physical effect
03:01PM 23 to the Lortab?

03:01PM 24 A. Yes.

03:01PM 25 Q. Why did you use the fentanyl patch?

03:01PM 1 A. I used it because I was getting really sick, because I
03:01PM 2 would get my the Lortabs from Peter. And if he was mad, he
03:01PM 3 wouldn't give them to me, and then I was really sick.

03:01PM 4 Q. When you say you were really sick, you didn't have the
03:02PM 5 flu, right?

03:02PM 6 A. I did not have the flu, I was going through withdrawals.

03:02PM 7 Q. Okay. When you say "withdrawals," is that in your mind
03:02PM 8 synonymous with saying you were sick?

03:02PM 9 A. Yes.

03:02PM 10 Q. Okay. What does withdrawal from opiates feel like?

03:02PM 11 A. It's awful.

03:02PM 12 **MR. SINGER:** Judge, I know it's 3:00, so I don't
03:02PM 13 know -- I have something to raise outside the presence of the
03:02PM 14 jury, so maybe we want to take a break now.

03:02PM 15 **THE COURT:** Fine with me. So let's take our
03:02PM 16 afternoon break.

03:02PM 17 Please remember my instructions about not talking
03:02PM 18 about the case, and not making up your mind.

03:02PM 19 We'll see you back here in 15 minutes or when we can
03:02PM 20 see you.

03:02PM 21 (Jury excused at 3:02 p.m.)

03:02PM 22 **THE COURT:** You can leave the courtroom.

03:02PM 23 (Witness excused at 3:02 p.m.)

03:03PM 24 **THE COURT:** Okay.

03:03PM 25 **MR. SINGER:** So, let me preface this by saying Judge,

03:03PM 1 that I think I've given the government a lot of latitude as
03:03PM 2 far as what they're talking about as far as drug use, and also
03:03PM 3 the effects that the drug use had on Ms. K.L.. But as
03:03PM 4 Your Honor knows, we're not here to explore the aggravating
03:03PM 5 evidence as to the effect this had on her at this trial.
03:03PM 6 That's something that's a sentencing matter.

03:03PM 7 And since again, the sex-trafficking charges don't
03:03PM 8 apply in this case, at this point in time, if we're going to
03:03PM 9 keep going down the road of the effect the drugs had on
03:04PM 10 Ms. K.L., I have concerns. And I think it's starting to get
03:04PM 11 into a situation where the probative value of the evidence is
03:04PM 12 substantially outweighed by the --

03:04PM 13 **THE COURT:** So, again, Mr. Singer, I don't intervene
03:04PM 14 unless a lawyer asks me to intervene. So if you want to
03:04PM 15 object, I will consider your objection and rule on it.

03:04PM 16 **MR. SINGER:** Um-hum.

03:04PM 17 **THE COURT:** And this seems like a valid objection to
03:04PM 18 me.

03:04PM 19 **MR. SINGER:** Well no, and I --

03:04PM 20 **THE COURT:** And if Mr. Cooper disagrees, we'll come
03:04PM 21 up and argue it. But I'm not -- I want you to understand, I
03:04PM 22 mean, the way you're making the argument it's like I should
03:04PM 23 have done something sooner.

03:04PM 24 **MR. SINGER:** No, no, Judge, I'm not implying it. I'm
03:04PM 25 just saying from my perspective, I've let in what I think is

03:04PM 1 permissible, but at this point in time I'm making the
03:04PM 2 objection.

03:04PM 3 **THE COURT:** Look it. You're not gonna get any extra
03:04PM 4 points from me by letting in what you think is, you know, by
03:04PM 5 being generous to the government. You object when you think
03:04PM 6 you should object, I will rule on the objections. Okay?

03:04PM 7 **MR. SINGER:** Understand.

03:04PM 8 **THE COURT:** And I understand the objection, and it
03:04PM 9 sounds like a legitimate objection.

03:04PM 10 Mr. Cooper, do you want to respond?

03:05PM 11 **MR. COOPER:** I do, Judge.

03:05PM 12 I think exploring with the witness the frequency with
03:05PM 13 which they obtained drugs at Pharaoh's is clearly relevant to
03:05PM 14 the trial, and I'm --

03:05PM 15 **THE COURT:** I don't disagree with that.

03:05PM 16 **MR. COOPER:** Sure, I have some --

03:05PM 17 **MR. SINGER:** Neither do I.

03:05PM 18 **MR. COOPER:** -- this is a train of thought, so that
03:05PM 19 is the first car in the train of thought.

03:05PM 20 **THE COURT:** Okay.

03:05PM 21 **MR. COOPER:** The next car in the train of thought is
03:05PM 22 the witness just testified about very frequent obtaining of
03:05PM 23 drugs at Pharaoh's, essentially daily, five to six Lortabs a
03:05PM 24 day, and cocaine every day.

03:05PM 25 Standing on its own, that might seem like almost

03:05PM 1 incredible, wow, that's so much drugs.

03:05PM 2 So I think exploring with the witness the nature of
03:05PM 3 drug addiction, that she's getting it every day, because if
03:05PM 4 she doesn't get it every day, she gets sick, to hear her
03:05PM 5 describe it, is relevant to explaining the credibility
03:05PM 6 essentially of her testimony.

03:06PM 7 So I'm not offering it because the, you know, I'm
03:06PM 8 gonna ask the jury to sentence the defendant, obviously that's
03:06PM 9 not how the system works. I'm offering it to give context to
03:06PM 10 her daily drug use. Why did you use drugs every day? Because
03:06PM 11 I had to or I'd get really sick.

03:06PM 12 **THE COURT:** And if that's the extent of it, I don't
03:06PM 13 have a problem with it. But getting into it in more detail
03:06PM 14 than that I think is problematic, and I will sustain
03:06PM 15 objections to getting into it in more detail than that.

03:06PM 16 **MR. COOPER:** Okay.

03:06PM 17 **THE COURT:** Okay?

03:06PM 18 **MR. COOPER:** Judge, while we're on the subject, and
03:06PM 19 with the jury and the witness out of the room, I think this
03:06PM 20 might be a good time to get some clarification from the Court
03:06PM 21 on something we argued previously, but it's a thin line, and I
03:06PM 22 want to make sure we stay on the thin line.

03:06PM 23 I expect to elicit testimony from this witness about
03:06PM 24 prostitution at Pharaoh's, which I think falls squarely within
03:06PM 25 the permissible range of testimony based on the Court's ruling

03:06PM 1 and the defendant's position at prior arguments.

03:06PM 2 There's also testimony from this witness that
03:06PM 3 essentially Gerace would withhold drugs from her in exchange
03:07PM 4 for sex. That if she didn't have sex with him, he would not
03:07PM 5 provide her with Lortabs.

03:07PM 6 It's my intention to cover that testimony with the
03:07PM 7 witness, but I want to front it for the Court and give counsel
03:07PM 8 an opportunity to argue, because I don't want it to seem I'm
03:07PM 9 running afoul of the Court's ruling.

03:07PM 10 **MR. SINGER:** Yeah, so as we've stated before, Judge,
03:07PM 11 in prior arguments we've had whether yesterday or today, we
03:07PM 12 don't have an objection to the first part of that testimony.
03:07PM 13 Prostitution activity is something that's charged in the
03:07PM 14 indictment, it doesn't entail any type of conduct that could
03:07PM 15 be viewed as nonconsensual activity. So I think that comes
03:07PM 16 in. I think we're well established on that point from both
03:07PM 17 sides and from the bench as well.

03:07PM 18 As part of the second part of it, that's relevant to
03:07PM 19 sex trafficking. Mr. Bongiovanni is not charged with sex
03:07PM 20 trafficking. And again, that goes to nonconsensual sexual
03:07PM 21 activity that, from what I understand from all of the
03:07PM 22 materials I read, Bongiovanni did not have direct involvement
03:07PM 23 in.

03:07PM 24 And that's where the 403 concern comes into play that
03:08PM 25 we raised, and we believe you've ruled on this before. That

03:08PM 1 nonconsensual activity such as that, where a person is, you
03:08PM 2 know, dangling the drugs in front of another person's face to
03:08PM 3 force the act to occur, that's nonconsensual, that doesn't
03:08PM 4 come into play. That's improper.

03:08PM 5 **MR. COOPER:** Judge, the reason that I think it does
03:08PM 6 come into play is because commercial sex transaction does not
03:08PM 7 require United States currency. And so if the witness
03:08PM 8 testifies that this was a commercial transaction because in
03:08PM 9 exchange for something of value to her, drugs, she had sex
03:08PM 10 with Gerace, it's prostitution.

03:08PM 11 **THE COURT:** Yeah. How is that not prostitution?

03:08PM 12 **MR. SINGER:** That's not what they're saying. If you
03:08PM 13 notice, there's nuance to that.

03:08PM 14 They're not saying Ms. K.L. is gonna testify that,
03:08PM 15 hey, in exchange for having sex with Peter he gave me drugs,
03:08PM 16 quid pro quo. You know, it wasn't money, but that's what the
03:08PM 17 quid pro quo was.

03:08PM 18 What they're saying is she's gonna testify that I was
03:08PM 19 so uncontrollably addicted that I had to have the drugs,
03:08PM 20 otherwise I wouldn't have agreed to sex with him.

03:09PM 21 That's different, Judge. That's the nonconsensual
03:09PM 22 part.

03:09PM 23 **MR. COOPER:** I've prepped with the witness to adhere
03:09PM 24 to the Court's ruling, and I'll weed through this if that's
03:09PM 25 necessary to make sure. But my intention is not to ask that

03:09PM 1 last part of the question, which is the but for, you know, the
03:09PM 2 drug addiction and the withdrawal sickness, would you have had
03:09PM 3 sex with him.

03:09PM 4 In Peter's trial? I think that, I agree, it comes in
03:09PM 5 all day. Here, I know the Court has ruled.

03:09PM 6 But it is a commercial sex transaction. It's sex for
03:09PM 7 drugs.

03:09PM 8 **THE COURT:** I don't disagree with that, and it
03:09PM 9 doesn't sound like Mr. Singer disagrees with that, as long as
03:09PM 10 it's not couched in terms of nonconsensual sex because of the
03:09PM 11 dire need for the drugs.

03:09PM 12 In other words, in other words, did you -- did you
03:09PM 13 get paid for having sex? Did you get drugs for having sex?

03:09PM 14 **MR. COOPER:** Yep.

03:09PM 15 **THE COURT:** Those both come in. Beyond that, does
03:09PM 16 not. Right?

03:09PM 17 **MR. COOPER:** Yes, Judge.

03:09PM 18 **THE COURT:** Right?

03:09PM 19 **MR. SINGER:** That's what I understand, Judge.

03:09PM 20 **THE COURT:** Great.

03:09PM 21 **MR. TRIPPI:** Judge, could I make one last point, and
03:09PM 22 it's really not for this trial, but I just, I need to pull
03:10PM 23 this transcript when you have a future trial because we are
03:10PM 24 circumscribing testimony at this trial. In a later trial,
03:10PM 25 attorneys will probably order transcripts and try to impeach.

03:10PM 1 And the way we're carving some of the testimony could
03:10PM 2 make it seem like at a later trial the witnesses aren't
03:10PM 3 credible. So I want to just flag, you know, we're not asking
03:10PM 4 certain questions of these witnesses to adhere to your ruling
03:10PM 5 at this trial. So that six months, whenever that next trial
03:10PM 6 happens, I need to be able to remind the Court why the
03:10PM 7 testimony was the way it was. So that's the only reason I'm
03:10PM 8 speaking right now.

03:10PM 9 **THE COURT:** Okay. That's fine.

03:10PM 10 **MR. TRIPI:** Thank you.

03:10PM 11 **THE COURT:** Yeah, that's fine. Okay. Anything else?

03:10PM 12 **MR. COOPER:** Nothing from the government, but if we
03:10PM 13 were taking the 15-minute break, this might be a good time to
03:10PM 14 hit the restroom?

03:10PM 15 **THE COURT:** Absolutely.

03:10PM 16 **MR. COOPER:** Excellent.

03:10PM 17 **THE COURT:** Mr. Singer, anything?

03:10PM 18 **MR. SINGER:** I agree.

03:10PM 19 **THE COURT:** Terrific. I'm glad we finally agree on
03:10PM 20 something.

03:10PM 21 **THE CLERK:** All rise.

03:10PM 22 (Off the record at 3:10 p.m.)

03:19PM 23 (Back on the record at 3:19 p.m.)

03:26PM 24 (Jury not present.)

03:26PM 25 **THE CLERK:** All rise.

03:26PM 1 **THE COURT:** Please be seated.

03:26PM 2 **THE CLERK:** We are back on the record for the
03:26PM 3 continuation of the jury trial in case number 19-cr-227,
03:26PM 4 United States of America versus Joseph Bongiovanni.

03:26PM 5 All counsel and parties are present.

03:26PM 6 **THE COURT:** Okay. Anything that anybody needs to put
03:26PM 7 on the record?

03:26PM 8 **MR. SINGER:** No, Your Honor.

03:26PM 9 **MR. COOPER:** Just before we bring the jury back,
03:26PM 10 Judge, I wanted to put on the record that during the break I
03:26PM 11 did speak to the witness and admonish the witness that I'm
03:26PM 12 going to ask a leading yes-or-no question, and I admonished
03:26PM 13 the witness of the Court's kind of nuanced ruling. So that's
03:26PM 14 what I wanted to put on the record.

03:26PM 15 **THE COURT:** Terrific. Thank you very much.

03:26PM 16 **OFFICER CORONA:** Okay.

03:26PM 17 **THE COURT:** Are they ready? Let's bring them in.

03:26PM 18 (Jury seated at 3:27 p.m.)

03:28PM 19 **THE COURT:** The record will reflect that all our
03:28PM 20 jurors are back for the home stretch.

03:28PM 21 I remind the witness that she's still under oath.

03:28PM 22 And you may continue, Mr. Cooper.

03:28PM 23 **MR. COOPER:** Thank you, Judge.

03:28PM 24 You can sit down. Thank you, ma'am.

03:28PM 25

03:28PM

1 BY MR. COOPER:

2 Q. Okay. K.L., I'm going to ask you a specific question.

3 I'm going to ask a leading question, and I want you to answer
4 it "yes" or "no," okay?

5 A. Okay.

6 Q. During the time that you were working at Pharaoh's back
7 at age 23, in 2009, did you have sex with Peter Gerace in
8 exchange for drugs?

9 A. Yes.

10 Q. Was that in exchange for cocaine?

11 A. Yes.

12 Q. Was it also in exchange for Lortabs?

13 A. Yes.

14 Q. Okay. Other than that activity, did you observe other
15 individuals engage in prostitution activity at Pharaoh's
16 Gentlemen's Club?

17 A. Yes.

18 Q. Did you learn about that while working there?

19 A. Yes.

20 Q. We're going to touch on that in a second. But first, to
21 set the stage, can you tell the jury some of the people that
22 you knew other than dancers, like nondancers, who would
23 frequent the upstairs at Pharaoh's?

24 A. Friends of Peter's. Peter. Did you say besides dancers?

25 Q. Besides dancers. So, you said friends of Peter's. Who

03:29PM 1 would those people be? Do you know names?

03:29PM 2 A. Eric Fox. Brent Phillips.

03:29PM 3 Q. Is that the person you mentioned before?

03:29PM 4 A. Yes.

03:29PM 5 Q. Okay. Who else?

03:29PM 6 A. Aaron.

03:29PM 7 Q. What's Aaron's last name?

03:30PM 8 A. LaMarca.

03:30PM 9 Q. What was that person's job, do you know?

03:30PM 10 A. I believe he was the liquor rep.

03:30PM 11 Q. What's a liquor rep?

03:30PM 12 A. The -- you put the order for the alcohol in, and then

03:30PM 13 they bring it.

03:30PM 14 Q. Okay. So I just want to understand, is that a person who

03:30PM 15 works at Pharaoh's for Peter? Or they work somewhere else?

03:30PM 16 A. They work somewhere else.

03:30PM 17 Q. Okay. Were they the liquor rep for Pharaoh's?

03:30PM 18 A. I believe so, one of them.

03:30PM 19 Q. Okay. I want to talk with you about that person Brent

03:30PM 20 Phillips for a moment.

03:30PM 21 A. Yes.

03:30PM 22 Q. Did you ever learn that Brent Phillips engaged in

03:30PM 23 prostitution in the upstairs at Pharaoh's?

03:30PM 24 Or, let me rephrase that. Do you know any of Brent

03:30PM 25 Phillips' relatives?

03:30PM 1 A. Yes.

03:30PM 2 Q. Okay. Did you come to learn about one of Brent Phillips'

03:30PM 3 relatives through the course of your work at Pharaoh's?

03:31PM 4 A. Yes.

03:31PM 5 Q. Who is that relative?

03:31PM 6 A. His nephew.

03:31PM 7 Q. And did you learn about Brent Phillips' nephew engaging

03:31PM 8 in prostitution activity at Pharaoh's?

03:31PM 9 A. Yes.

03:31PM 10 **MR. SINGER:** Objection.

03:31PM 11 **THE COURT:** Basis?

03:31PM 12 **MR. SINGER:** Lack of personal knowledge.

03:31PM 13 **MR. COOPER:** I'm going to explain that in the next

03:31PM 14 question if --

03:31PM 15 **THE COURT:** Okay.

03:31PM 16 **MR. COOPER:** -- if you'll let me tie together.

03:31PM 17 **THE COURT:** Okay, so, go ahead. And let's see where

03:31PM 18 it goes.

03:31PM 19 **BY MR. COOPER:**

03:31PM 20 Q. Did you have conversations with Peter Gerace about

03:31PM 21 arranging for a prostitution act between Brent Phillips'

03:31PM 22 nephew and a dancer who worked at Pharaoh's?

03:31PM 23 A. Yes.

03:31PM 24 **MR. SINGER:** Objection.

03:31PM 25 Q. What did Peter --

03:31PM 1 **THE COURT:** What's the objection?

03:31PM 2 **MR. SINGER:** Can we approach on this point, Judge?

03:31PM 3 I'm sorry.

03:31PM 4 **THE COURT:** Sure.

03:31PM 5 (Sidebar discussion held on the record.)

03:31PM 6 **MR. SINGER:** I guess from what I understand from the

03:31PM 7 testimony is that the witness doesn't have personal knowledge

03:31PM 8 of seeing this, she heard about it from Mr. Gerace. So it's

03:32PM 9 based on hearsay from him. Is this in furtherance of the

03:32PM 10 conspiracy?

03:32PM 11 **MR. COOPER:** It's a statement against his penal

03:32PM 12 interest. It's illegal to arrange acts of prostitution.

03:32PM 13 **MR. SINGER:** But I guess what's the evidence that

03:32PM 14 Peter Gerace arranged the act itself?

03:32PM 15 **MR. COOPER:** That's what she's gonna testify to.

03:32PM 16 That he told G.R. to go upstairs, and he would pay her \$300 to

03:32PM 17 have sex with this person's nephew. That's illegal.

03:32PM 18 **THE COURT:** And she was present for the conversation?

03:32PM 19 **MR. COOPER:** Peter said it to her. He told her I

03:32PM 20 paid --

03:32PM 21 **THE COURT:** I told G.R. --

03:32PM 22 **MR. COOPER:** Go have sex with Brent Phillips' nephew

03:32PM 23 and I'll have 300 bucks.

03:32PM 24 **MR. SINGER:** Okay. All right. I think I understand.

03:32PM 25 **THE COURT:** So you're withdrawing the objection?

03:32PM

1 **MR. SINGER:** Yeah, I'll withdraw, Judge.

03:32PM

2 **THE COURT:** Okay.

03:32PM

3 (Sidebar ended.)

03:32PM

4 **BY MR. COOPER:**

03:32PM

5 Q. What did Peter Gerace say to you about arranging an act
6 of prostitution between Brent Phillips' nephew and a dancer
7 at Pharaoh's?

03:32PM

8 A. A dancer at Pharaoh's had sex with Brent's nephew. He
9 was dying. And she was paid.

03:33PM

10 Q. Okay. Did Peter tell you that?

03:33PM

11 A. Yes.

03:33PM

12 Q. Did he tell you how much he paid her?

03:33PM

13 A. \$300.

03:33PM

14 Q. Okay. Did you know the dancer?

03:33PM

15 A. Yes.

03:33PM

16 Q. Who was her first name?

03:33PM

17 A. G.R.

03:33PM

18 Q. Do you know her last name?

03:33PM

19 A. G.R.

03:33PM

20 Q. Without getting into what was said, did you have a
21 conversation with G.R. about that as well?

03:33PM

22 A. Yes.

03:33PM

23 Q. Did you ever see members of the Buffalo Sabres go
24 upstairs?

03:33PM

25 A. Yes.

03:33PM 1 Q. Did you see anybody who was allegedly running for public
03:33PM 2 office go upstairs?

03:33PM 3 A. Yes.

03:33PM 4 Q. And do you know who that person is as you sit here today?

03:33PM 5 A. I don't know the name.

03:33PM 6 Q. Okay. Did prominent people sometimes come into

03:33PM 7 Pharaoh's?

03:33PM 8 A. Yes.

03:33PM 9 Q. And when that would happen, would dancers talk amongst
03:34PM 10 themselves?

03:34PM 11 A. Yes.

03:34PM 12 Q. About the, kind of, the appearance of that person?

03:34PM 13 A. Yep.

03:34PM 14 Q. Do you know whether G.R. -- do you know whether G.R. was
03:34PM 15 paid in drugs or compensated with drugs by Peter Gerace in
03:34PM 16 exchange for that sex act?

03:34PM 17 A. She was given money and --

03:34PM 18 **MR. SINGER:** Objection.

03:34PM 19 **THE COURT:** Hang on. For that act?

03:34PM 20 **MR. COOPER:** Correct. So she said \$300 was the
03:34PM 21 testimony that she gave, and I'm asking a new question which
03:34PM 22 is do you know if she was also compensated with drugs.

03:34PM 23 **THE COURT:** In addition to the \$300?

03:34PM 24 **MR. COOPER:** Correct.

03:34PM 25 **THE WITNESS:** Yes.

03:34PM

1 **THE COURT:** Objection is overruled.

03:34PM

2 **BY MR. COOPER:**

03:34PM

3 Q. What's the answer?

03:34PM

4 A. Yes.

03:34PM

5 Q. Okay. Are you familiar with whether there were poker
6 games held at Pharaoh's?

03:35PM

7 A. Yes.

03:35PM

8 Q. What do you know about that?

03:35PM

9 A. That was before I started working there. But Peter told
10 me he had poker games up there.

03:35PM

11 Q. Okay. When you say before you started working there,
12 just to clarify the timeline, do you mean before the first
13 day you ever went there, or before this age 23 time frame?

03:35PM

14 A. Before the age 23.

03:35PM

15 Q. Understood. Do you know where the games were held?

03:35PM

16 A. Upstairs at Pharaoh's.

03:35PM

17 Q. Were dancers present?

03:35PM

18 A. I was not there, so I don't know for sure. But --

03:35PM

19 Q. Okay.

03:35PM

20 A. -- they've told me --

03:35PM

21 Q. I don't want you to speculate.

03:36PM

22 Did Peter tell you what happened upstairs during those
23 poker games?

03:36PM

24 A. People played poker and they did drugs and drank.

03:36PM

25 Q. Okay. Did he tell you whether dancers were given drugs

03:36PM 1 upstairs during those poker games?

03:36PM 2 A. Not specifically.

03:36PM 3 Q. When you say "not specifically," do you mean he didn't

03:36PM 4 say names of people? Or he didn't specify if dancers were

03:36PM 5 present?

03:36PM 6 A. He didn't specify.

03:36PM 7 Q. Okay. We talked about a person named Charm or Jessica

03:36PM 8 Leyland before; do you remember that?

03:36PM 9 A. Yes.

03:36PM 10 Q. Have you obtained cocaine from her before?

03:37PM 11 A. Yes.

03:37PM 12 Q. Did you know her to provide cocaine to anybody else?

03:37PM 13 A. Yes.

03:37PM 14 Q. Who else?

03:37PM 15 A. Other dancers --

03:37PM 16 Q. How about Peter?

03:37PM 17 A. -- who I didn't know.

03:37PM 18 Q. Do you know if she provided cocaine to Peter?

03:37PM 19 A. I believe she did.

03:37PM 20 Q. Okay.

03:37PM 21 A. So, yes.

03:37PM 22 Q. Did you know Peter Gerace to have friends in law

03:37PM 23 enforcement?

03:37PM 24 A. Yes.

03:37PM 25 Q. Did he say things to you about that?

03:37PM 1 A. Yes.

03:37PM 2 Q. Okay. What did he tell you about his friends involved in
03:37PM 3 law enforcement?

03:37PM 4 A. He said that he's untouchable.

03:37PM 5 Q. He said that what?

03:37PM 6 A. He's untouchable.

03:37PM 7 Q. Okay. Did he tell you any specific people or titles of
03:37PM 8 people that he had connections to in law enforcement?

03:37PM 9 A. Judges. Attorneys. Police.

03:38PM 10 Q. Did Peter ever tell you if he had connections to a person
03:38PM 11 who worked in federal law enforcement?

03:38PM 12 A. Not that I recall --

03:38PM 13 Q. Okay.

03:38PM 14 A. -- specifically.

03:38PM 15 Q. Do you know a person by the name of Joe Bongiovanni?

03:38PM 16 A. Yes.

03:38PM 17 Q. How do you know that person?

03:38PM 18 A. From Peter, from Pharaoh's.

03:38PM 19 Q. Okay. Can you describe -- have you ever met that person
03:38PM 20 before?

03:38PM 21 A. Yes.

03:38PM 22 Q. Once or more than once?

03:38PM 23 A. Twice, I believe.

03:38PM 24 Q. Okay. And would you recognize that person if you saw him
03:38PM 25 again?

03:38PM 1 A. Yes.

03:38PM 2 Q. Are they in the courtroom right now?

03:38PM 3 A. Yes.

03:38PM 4 Q. Would you point at that person and identify an article of
03:38PM 5 their clothing for the record?

03:38PM 6 A. The burgundy tie.

03:38PM 7 **MR. COOPER:** Indicating the defendant, Judge?

03:38PM 8 **THE COURT:** Yes.

03:38PM 9 **MR. COOPER:** Thank you.

03:38PM 10 **BY MR. COOPER:**

03:38PM 11 Q. Can you tell the jury about the first time that you met
03:38PM 12 the defendant?

03:38PM 13 A. First time that I met him, it was at Pharaoh's. It
03:38PM 14 wasn't open yet, or it just had opened. It around 5 because
03:38PM 15 it was still light out. And there was a -- four people
03:39PM 16 sitting at a table. And that's the first time that I met
03:39PM 17 him.

03:39PM 18 Q. Did Peter introduce you to him?

03:39PM 19 A. Yes.

03:39PM 20 Q. When you said it hadn't opened yet, or it had just
03:39PM 21 opened, did you mean the time of day? Or it had never
03:39PM 22 opened --

03:39PM 23 A. The time of day.

03:39PM 24 Q. Okay. Did you see any drug use going on at that time?

03:39PM 25 A. No.

03:39PM 1 Q. Did you interact with the defendant at all that first
03:39PM 2 time that you met him?

03:39PM 3 A. Yes.

03:39PM 4 Q. Can you describe that interaction?

03:39PM 5 A. It was just a handshake.

03:39PM 6 Q. Okay.

03:39PM 7 A. And just introducing.

03:39PM 8 Q. Okay. Who introduced you to him?

03:39PM 9 A. Peter introduced me.

03:39PM 10 Q. And how did he introduce you to him? What did he say?

03:39PM 11 A. He said, this is my friend, Joseph.

03:40PM 12 Q. Okay. Do you recall what time frame that was?

03:40PM 13 A. This was 2009.

03:40PM 14 Q. Okay. You told us that there were at least two times --

03:40PM 15 or, I think you said two times that you met the defendant.

03:40PM 16 What was the second time?

03:40PM 17 A. The second was at Pharaoh's.

03:40PM 18 Q. Okay. Can you describe that for the jury?

03:40PM 19 A. It was a promo party for Red Bull. And one of the Vodkas
03:40PM 20 that the other liquor reps were doing a promotion for.

03:40PM 21 Q. Okay. And can you describe what your interaction was, if
03:40PM 22 any, with the defendant?

03:40PM 23 A. I don't recall.

03:40PM 24 Q. Okay. Well, why are you mentioning this as one of the
03:40PM 25 two times that you've seen him?

03:40PM 1 A. Well, because this is a second time that I saw him.

03:40PM 2 Q. Okay. Did you see him at the club?

03:40PM 3 A. Yes.

03:40PM 4 Q. Did you interact with him?

03:41PM 5 A. Yes.

03:41PM 6 Q. Okay. Describe that interaction.

03:41PM 7 A. Oh. We shook hands.

03:41PM 8 Q. Okay.

03:41PM 9 A. The first time, or the second time?

03:41PM 10 Q. The second time.

03:41PM 11 A. The second time? I believe he just -- Peter introduced

03:41PM 12 me to everyone around the table saying hi to people, and so

03:41PM 13 that's -- I knew him because I saw him before, so --

03:41PM 14 Q. Would it be fair to say --

03:41PM 15 A. It was, like, everyone basically.

03:41PM 16 Q. Would it be fair to say it was a pretty superficial

03:41PM 17 interaction?

03:41PM 18 A. What do you mean by that?

03:41PM 19 Q. You didn't have a long conversation, did you?

03:41PM 20 A. No.

03:41PM 21 Q. Okay. Other than those two times that you just

03:41PM 22 described, did you ever see the defendant in the garage area

03:41PM 23 at Pharaoh's?

03:41PM 24 A. Yes.

03:41PM 25 Q. Okay. Where is the garage area in relation to Pharaoh's?

03:41PM 1 Like, walk me through it. How do you get there?

03:41PM 2 A. You have to walk in, and then make a left. It's on the

03:41PM 3 side. You can't get through there if you're, like, you can't

03:42PM 4 just walk through there.

03:42PM 5 Q. Can a random customer go back there?

03:42PM 6 A. Oh, no. That, no --

03:42PM 7 Q. Is that what you're trying to say?

03:42PM 8 A. Yeah.

03:42PM 9 Q. Is there a stairwell that leads to that upstairs area?

03:42PM 10 A. Yes.

03:42PM 11 Q. Does that lead to the garage area?

03:42PM 12 A. Yes.

03:42PM 13 Q. Okay. Is there a hallway that leads back to the garage?

03:42PM 14 A. Yes.

03:42PM 15 Q. So can you describe for the jury kind of how you found

03:42PM 16 yourself in that area, and what you observed with the

03:42PM 17 defendant?

03:42PM 18 A. Oh, I was in the garage, I don't remember what I was

03:42PM 19 doing. Something for Peter, organizing stuff in there or

03:42PM 20 something.

03:42PM 21 And PJ, he told me that I had to get out of the garage.

03:42PM 22 So, the men that were sitting at the table, them and

03:42PM 23 Peter went in there. So I had to wait inside until they were

03:42PM 24 done.

03:42PM 25 Q. Okay. And was this one of the two times that you

03:42PM 1 described earlier where you saw the defendant in Pharaoh's?

03:42PM 2 Or was this a separate third time?

03:42PM 3 A. This was the first time.

03:43PM 4 Q. Okay. So the first time when you meet him, Peter

03:43PM 5 introduces you two to each other and you shake his hand. Is

03:43PM 6 it later in the day that this happens?

03:43PM 7 A. It was, like, when I was -- it was still light out.

03:43PM 8 Q. Okay. And you're in the back by the garage?

03:43PM 9 A. Um-hum.

03:43PM 10 Q. And you said PJ comes over to you?

03:43PM 11 A. Yes.

03:43PM 12 Q. Did PJ work there?

03:43PM 13 A. Yes.

03:43PM 14 Q. Okay. And is he one of the people earlier you said you

03:43PM 15 would acquire drugs from?

03:43PM 16 A. Yes.

03:43PM 17 Q. And what does PJ tell you to do?

03:43PM 18 A. He said I had to get out of the garage.

03:43PM 19 Q. Okay. And at the time he said that to you, who else was

03:43PM 20 in the garage?

03:43PM 21 A. Just me.

03:43PM 22 Q. Okay. Did you see other people enter the garage?

03:43PM 23 A. Yes.

03:43PM 24 Q. Who?

03:43PM 25 A. But not when I was in the garage.

03:43PM 1 Q. Okay. Who else did you see enter the garage?

03:43PM 2 A. It was four men and Peter.

03:43PM 3 Q. Okay. So five total. Peter, and four other men?

03:43PM 4 A. So five. Yes.

03:43PM 5 Q. Who were the other four men?

03:43PM 6 A. I don't know.

03:43PM 7 Q. Okay. Was the defendant one of them?

03:43PM 8 A. Yes.

03:43PM 9 Q. Okay. Do you know the other two, or three?

03:43PM 10 A. No.

03:43PM 11 Q. Okay. That five-month period where you're working at

03:44PM 12 Pharaoh's, you said it I think ends in July or August; is

03:44PM 13 that correct?

03:44PM 14 A. Yes.

03:44PM 15 Q. Okay. What did you start doing when that ended?

03:44PM 16 A. When that ended? I started doing collections.

03:44PM 17 Q. Okay. And why did you stop working at Pharaoh's in about

03:44PM 18 August of 2009?

03:44PM 19 A. Well, because I couldn't deal with that lifestyle

03:44PM 20 anymore.

03:44PM 21 Q. You couldn't what?

03:44PM 22 A. I didn't want that lifestyle anymore.

03:44PM 23 Q. Okay. Do you have children?

03:44PM 24 A. Yes.

03:44PM 25 Q. How old is your oldest kid?

03:44PM 1 A. Ten.

03:44PM 2 Q. At some point -- did you have that child after leaving
03:44PM 3 work at Pharaoh's?

03:44PM 4 A. Yes.

03:44PM 5 Q. Okay. And were you working once you had your child?

03:44PM 6 A. Yes.

03:44PM 7 Q. Okay. What kind of work were you doing?

03:44PM 8 A. I was doing -- at that time, I was doing collections --

03:44PM 9 Q. Okay.

03:45PM 10 A. -- when I had my son. I stopped working, like, a month
03:45PM 11 before I had my son.

03:45PM 12 Q. And once you had your son, did you work or did you stay
03:45PM 13 at home?

03:45PM 14 A. I was a stay-at-home mom.

03:45PM 15 Q. Okay. And how long did that last for approximately?

03:45PM 16 A. Until he was, like, five. Until he --

03:45PM 17 Q. So was he born in 2013?

03:45PM 18 A. Yes.

03:45PM 19 Q. Okay. And did you ultimately work again after he was
03:45PM 20 born?

03:45PM 21 A. Yes.

03:45PM 22 Q. Okay. About when was that?

03:45PM 23 A. 2017.

03:45PM 24 Q. Okay. And, so, he would have been four or five at that
03:45PM 25 time?

03:45PM 1 A. Um-hum.

03:45PM 2 Q. What kind of work did you get back into?

03:45PM 3 A. I started bartending at Pharaoh's.

03:45PM 4 Q. Why did you go back to work after four or five years of

03:45PM 5 being a stay-at-home mom?

03:45PM 6 A. Things weren't working out with my son's father and I,

03:45PM 7 and I wanted to leave and get my own place.

03:45PM 8 Q. And did you have --

03:45PM 9 A. And I didn't have the funds. I didn't have the means to

03:45PM 10 do it --

03:45PM 11 Q. Got it.

03:45PM 12 A. -- and you could make money in the club.

03:45PM 13 Q. Did you need to get a job in order to get a new place?

03:46PM 14 A. Yes.

03:46PM 15 Q. How did you get linked up with that bartending job back

03:46PM 16 at Pharaoh's?

03:46PM 17 A. From Peter.

03:46PM 18 Q. And did you have a conversation directly with him?

03:46PM 19 A. I don't remember exactly.

03:46PM 20 Q. Okay. Did you communicate with him in some way?

03:46PM 21 A. Yes.

03:46PM 22 Q. Okay. And did you start working back at Pharaoh's?

03:46PM 23 A. Yes.

03:46PM 24 Q. Okay. And in or around 2017, when you started working

03:46PM 25 back at Pharaoh's, were you actively using drugs when you

03:46PM 1 started working back there?

03:46PM 2 A. No.

03:46PM 3 Q. Had you been clean for some period of time?

03:46PM 4 A. Yes.

03:46PM 5 Q. Did anybody offer you drugs once you went back to start

03:46PM 6 working at Pharaoh's?

03:46PM 7 A. Yes.

03:46PM 8 Q. Who?

03:46PM 9 A. Everyone.

03:46PM 10 Q. Okay. Anybody specifically that you can think of?

03:46PM 11 A. Peter. PJ. The dancers.

03:46PM 12 Q. Did you want to use drugs at that time in your life?

03:46PM 13 A. No.

03:46PM 14 Q. Okay. Were you trying to stay clean?

03:46PM 15 A. Yes.

03:46PM 16 Q. Now you described for us previously that you were

03:46PM 17 involved in a -- in a sexual relationship with Peter Gerace

03:47PM 18 for a period of time back in 2009. Did that continue when

03:47PM 19 you started working there in 2017?

03:47PM 20 A. No.

03:47PM 21 Q. How long did you stay working there in 2017?

03:47PM 22 A. From February till maybe July.

03:47PM 23 Q. And during that approximately five-month period in 2017,

03:47PM 24 did you observe other people using drugs at Pharaoh's?

03:47PM 25 A. Yes.

03:47PM 1 Q. Was it consistent with the use that you've already
03:47PM 2 described for us back when you were 23?

03:47PM 3 A. Yes.

03:47PM 4 Q. Have you ever been to Russell's hotel or a hotel owned by
03:47PM 5 a person named Russell?

03:47PM 6 A. Yes.

03:47PM 7 Q. Who invited you there?

03:47PM 8 A. Peter.

03:47PM 9 Q. When was that, approximately? Like, give me an idea.

03:48PM 10 A. There was a lot of times.

03:48PM 11 Q. Okay. And what would happen when you went to the hotel,
03:48PM 12 Russell's hotel?

03:48PM 13 A. We would go there. He would bring champagne or
03:48PM 14 something, and we would have drinks. We would do cocaine,
03:48PM 15 and then he would -- he would turn on adult videos, and he
03:48PM 16 would start taking his clothes off.

03:48PM 17 Q. Okay. Do you know if other dancers who worked at
03:48PM 18 Pharaoh's were taken to Russel's by Peter, as well?

03:48PM 19 A. Yes.

03:48PM 20 Q. Now, before we talked about getting caught -- or, coming
03:48PM 21 up on the wiretap involving a person named Jeff Anzalone, do
03:48PM 22 you remember me asking you questions about that?

03:48PM 23 A. Yes.

03:48PM 24 Q. Did Jeff Anzalone provide you with cocaine?

03:48PM 25 A. Yes.

03:48PM 1 Q. Did he provide you with Adderall?

03:48PM 2 A. Yes.

03:49PM 3 Q. Okay. And earlier I asked you, I think my question was,
03:49PM 4 did you have a physical with relationship with Jeff Anzalone,
03:49PM 5 but have you had sex with him before?

03:49PM 6 A. Yes.

03:49PM 7 Q. Okay. Once, or more than once?

03:49PM 8 A. More than once.

03:49PM 9 Q. Okay. And was he supplying you with drugs at that time?

03:49PM 10 A. Yes.

03:49PM 11 Q. Okay.

03:49PM 12 **MR. COOPER:** Judge, may I just have one moment?

03:49PM 13 **THE COURT:** Sure.

03:49PM 14 **MR. COOPER:** Thank you.

03:50PM 15 **BY MR. COOPER:**

03:50PM 16 Q. Just a few more questions, Ms. K.L..

03:50PM 17 We were just talking a second ago about trips to
03:50PM 18 Russell's hotel with Peter Gerace where you would drink
03:50PM 19 champagne and do cocaine; do you remember being asked those
03:50PM 20 questions?

03:50PM 21 A. Yes.

03:50PM 22 Q. Okay. Were there ever times when you would leave
03:50PM 23 Russell's and go elsewhere to bring more cocaine back?

03:50PM 24 A. Yes.

03:50PM 25 Q. Can you tell the jury about that?

03:50PM 1 A. One time in particular, we -- it was Peter, a girl named
03:50PM 2 Rita, and myself. And we were upstairs at Pharaoh's having
03:50PM 3 drinks, doing cocaine. And then we left and went to a hotel.
03:51PM 4 And then they had me -- well, he told me to go back to get
03:51PM 5 more cocaine. So he gave me the keys and the codes to -- and
03:51PM 6 the key to get upstairs. So I went and got more cocaine and
03:51PM 7 brought it back.

03:51PM 8 Q. Okay. Where was the cocaine stored inside Pharaoh's?

03:51PM 9 A. It was upstairs.

03:51PM 10 Q. In that office area?

03:51PM 11 A. Yes.

03:51PM 12 Q. And just to clarify, because I might be getting this
03:51PM 13 confused, was this a the Russell's hotel or at a different
03:51PM 14 hotel?

03:51PM 15 A. The hotel that we were at.

03:51PM 16 Q. Okay. Do you remember which one it was?

03:51PM 17 A. It was a different one.

03:51PM 18 Q. Okay. And when you were at a hotel with Peter on that
03:51PM 19 night or a different night, did there ever come a time when
03:51PM 20 you became physically incapacitated from using cocaine?

03:51PM 21 A. Yes.

03:51PM 22 Q. Can you describe that for the jury?

03:51PM 23 A. I had a seizure.

03:51PM 24 Q. Can you describe physically what happened to you?

03:51PM 25 A. I -- it's called an aura, so it's a scent or a smell, a

03:52PM 1 noise, something, and it -- I knew something was gonna
03:52PM 2 happen. I looked at him and I said I thought I was gonna
03:52PM 3 pass out or something.

03:52PM 4 And I said, call G.R., because she was going to school to
03:52PM 5 be a nurse at the time.

03:52PM 6 Q. Okay.

03:52PM 7 A. And then I -- he said I started shaking and fell on the
03:52PM 8 ground. And when I got up, she was there. And he was
03:52PM 9 yelling to Rita to get all her stuff, and they ran out of the
03:52PM 10 hotel.

03:52PM 11 Q. Did he take you with him?

03:52PM 12 A. No.

03:52PM 13 Q. What happened to you?

03:52PM 14 A. My friend drove me home --

03:52PM 15 Q. Who's your friend?

03:52PM 16 A. -- to my brother's. It was G.R.

03:52PM 17 Q. Okay.

03:52PM 18 A. My friend at that time.

03:52PM 19 Q. On that subject of G.R., I asked you a question a few
03:52PM 20 minutes ago about G.R. -- Peter telling you he gave G.R.
03:52PM 21 drugs in exchange -- as well as money in exchange for sex
03:52PM 22 with Brent Phillips' nephew; do you remember me asking you
03:52PM 23 those questions?

03:52PM 24 A. Yes.

03:52PM 25 Q. Do you know what kind of drugs Peter gave to G.R.?

03:52PM

1 A. It was cocaine.

03:53PM

2 Q. Okay.

03:53PM

3 **MR. COOPER:** I have no further direct. Thank you,
4 Judge.

03:53PM

5 **THE COURT:** Cross-examination.

03:53PM

6

7 **CROSS-EXAMINATION BY MR. SINGER:**

03:53PM

8 Q. Hi, Ms. K.L.

03:53PM

9 A. Hi.

03:53PM

10 Q. So, I think you testified that you worked at Pharaoh's in
11 2009; is that right?

03:53PM

12 A. Yes.

03:53PM

13 Q. And you said at the time that you worked there, how many
14 days a week were you working there?

03:53PM

15 A. Every day.

03:53PM

16 Q. Every day?

03:53PM

17 A. Yeah, it was a little -- when I started dancing there
18 again.

03:54PM

19 Q. Okay.

03:54PM

20 A. But Peter didn't want me to work, like me dancing because
21 we were dating.

03:54PM

22 Q. Okay. But whether you were working or not, do you
23 remember being there every day?

03:54PM

24 A. Yes.

03:54PM

25 Q. And that was for roughly a five- or six-month period of

03:54PM 1 time?

03:54PM 2 A. Yes.

03:54PM 3 Q. And you said that when you were working there in 2009,
03:54PM 4 that's when you first met Joseph Bongiovanni; is that right?

03:54PM 5 A. Yes.

03:54PM 6 Q. And so the first encounter you had mentioned,

03:54PM 7 Mr. Bongiovanni was sitting down at a table with other men;
03:54PM 8 is that right?

03:54PM 9 A. Yes.

03:54PM 10 Q. And did you walk up to the table?

03:54PM 11 A. With Peter.

03:54PM 12 Q. So you walked up with Peter; is that right?

03:54PM 13 A. Yes.

03:54PM 14 Q. And this was sometime in the evening time, around 5 p.m.
03:54PM 15 or so?

03:54PM 16 A. Yes.

03:54PM 17 Q. And you recall that because it was still light outside at
03:54PM 18 the time?

03:54PM 19 A. Yes.

03:54PM 20 Q. And Peter introduced you to the gentlemen at the table?

03:54PM 21 A. Yes.

03:54PM 22 Q. And one of those people was Mr. Bongiovanni?

03:54PM 23 A. Yes.

03:54PM 24 Q. And you described on direct that it was a pretty
03:55PM 25 superficial meeting; is that right?

03:55PM 1 A. Yes.

03:55PM 2 Q. Just a handshake and hi my name is?

03:55PM 3 A. Yes.

03:55PM 4 Q. And that's all?

03:55PM 5 A. Yes.

03:55PM 6 Q. And you mentioned in your direct testimony that you

03:55PM 7 believed that during this first meeting, there was a time

03:55PM 8 where Peter Gerace and Mr. Bongiovanni and others went to the

03:55PM 9 garage area; is that right?

03:55PM 10 A. Yes.

03:55PM 11 Q. And prior to coming into court here today, you've met

03:55PM 12 with federal agents a number of times, safe to say?

03:55PM 13 A. Yes.

03:55PM 14 Q. You've also met with the prosecutors in this case a

03:55PM 15 number of times; is that right?

03:55PM 16 A. Yes.

03:55PM 17 Q. You've also testified before a grand jury in this case;

03:55PM 18 is that right?

03:55PM 19 A. Yes.

03:55PM 20 Q. You never mentioned anything about a garage in any of

03:55PM 21 those meetings or grand jury testimony though.

03:55PM 22 A. Yes, I did.

03:55PM 23 Q. Didn't mention anything about a garage?

03:55PM 24 So, Ms. K.L., you remember testifying before a grand jury

03:55PM 25 before you came into court, correct?

03:55PM 1 A. Yes.

03:55PM 2 Q. And you remember talking to the grand jurors about that
03:55PM 3 first interaction, correct?

03:56PM 4 A. Yes.

03:56PM 5 Q. And do you remember telling the grand jury about how
03:56PM 6 Mr. Bongiovanni and Mr. Gerace met up in a downstairs office
03:56PM 7 at Pharaoh's?

03:56PM 8 A. I don't remember.

03:56PM 9 Q. You don't recall that?

03:56PM 10 So, I'm going to direct your attention just for the
03:56PM 11 purpose of the record to page 22 of 3564A in the grand jury
03:56PM 12 testimony.

03:56PM 13 **THE COURT:** Do you want this shown just for the
03:56PM 14 witness?

03:56PM 15 **MR. SINGER:** I don't need it shown, Judge, I'm just
03:56PM 16 going to impeach her with it.

03:56PM 17 **BY MR. SINGER:**

03:56PM 18 Q. Do you recall testifying: And when Mr. Bongiovanni was
03:56PM 19 at Pharaoh's in 2009, was he with anyone else or was he just
03:56PM 20 visiting with Peter?

03:56PM 21 Answer: I believe just Peter.

03:56PM 22 Question: Were there -- were they in the club?

03:57PM 23 Answer: At the bar.

03:57PM 24 Question: Downstairs bar?

03:57PM 25 Answer: Yes. And then I believe they went in the

03:57PM 1 office.

03:57PM 2 Question: So just to be clear, the office downstairs?

03:57PM 3 Or is the office up the stairs?

03:57PM 4 Answer: Down, downstairs office.

03:57PM 5 Do you remember answering that in the grand jury, ma'am?

03:57PM 6 A. I don't remember.

03:57PM 7 Q. You don't remember that at all?

03:57PM 8 **MR. SINGER:** Can we bring up, Ms. Champoux, 3564A

03:57PM 9 onto the witness's screen only? And to page 22.

03:57PM 10 **BY MR. SINGER:**

03:57PM 11 Q. So I'd like you to read starting on line 9, ma'am, moving
03:57PM 12 down the page to line 18.

03:57PM 13 So you remember testifying before the grand jury in this
03:58PM 14 case, correct?

03:58PM 15 A. Yes, sir.

03:58PM 16 Q. And you recall that there was people who were part of the
03:58PM 17 grand jury present; is that right?

03:58PM 18 A. Yes.

03:58PM 19 Q. And you were on the witness stand in that room?

03:58PM 20 A. Yes.

03:58PM 21 Q. And there was a prosecutor who was asking you questions
03:58PM 22 that day?

03:58PM 23 A. Yes.

03:58PM 24 Q. And you recall them talking to you about how the
03:58PM 25 proceedings were going to be recorded, correct?

03:58PM 1 A. Yes.

03:58PM 2 Q. And how they were going to be produced into a transcript
03:58PM 3 in written form, correct?

03:58PM 4 A. Yes.

03:58PM 5 Q. And you don't have any reason to disagree that with what
03:58PM 6 I just told you with my questions about what appears in that
03:58PM 7 grand jury transcript is what appears in that grand jury
03:58PM 8 transcript, right?

03:58PM 9 A. No, I did say that.

03:58PM 10 Q. You did say that?

03:58PM 11 A. I did say that.

03:58PM 12 Q. So are you saying that there was a different meeting that
03:58PM 13 occurred inside of a garage? Or are you saying that --

03:58PM 14 A. I think what I'm saying is that I think that when I'm
03:58PM 15 thinking it was twice, it was more than twice that I've seen
03:58PM 16 him.

03:58PM 17 Q. So, now you're saying that there was additional meetings?

03:59PM 18 **MR. COOPER:** Objection as to --

03:59PM 19 **THE WITNESS:** Well, there was this time.

03:59PM 20 **THE COURT:** Hang on.

03:59PM 21 **THE WITNESS:** This is a long time ago.

03:59PM 22 **THE COURT:** Stop, stop, stop, stop.

03:59PM 23 **MR. COOPER:** Objection as to the form of the
03:59PM 24 question, Judge.

03:59PM 25 **THE COURT:** Overruled.

03:59PM

1 BY MR. SINGER:

2 Q. So you testified on direct, Ms. K.L., that you remember
3 two different times when you met Mr. Bongiovanni in the 2009
4 period, correct?

5 A. Can you repeat the question?

6 Q. You testified just earlier on direct that you remember
7 seeing Mr. Bongiovanni two times --

8 A. Yes.

9 Q. -- in the 2009 period.

10 A. That's what I said, yes.

11 Q. That's what you said, correct?

12 A. Yes.

13 Q. And one of the times was at a Red Bull event, promotional
14 event --

15 A. Yes.

16 Q. -- is that right?

17 And another time was the first time you met him, correct?

18 A. Yes.

19 Q. And that's what we're talking about right now, correct?

20 A. But this happened a long time ago. So if I remember it
21 incorrectly, it was three times or more that I've met him.

22 Q. So now you're saying three times or more you met him?

23 A. Um-hum.

24 Q. So again, I go back to the fact that you remember
25 testifying before the grand jury, correct?

03:59PM 1 A. Yes. And this happened -- this is -- you're talking
04:00PM 2 years. This is a long time ago.

04:00PM 3 Q. So, Ms. K.L., when you testified before the grand jury,
04:00PM 4 do you recall the date?

04:00PM 5 A. No.

04:00PM 6 Q. Do you have any reason to disagree with me that you
04:00PM 7 testified before the grand jury on December 10, 2020?

04:00PM 8 A. That seems right.

04:00PM 9 **MR. SINGER:** Okay. Ms. Champoux, can you please
04:00PM 10 advance to the first page of 3564A?

04:00PM 11 **BY MR. SINGER:**

04:00PM 12 Q. Do you see a date on the transcript that might help you
04:00PM 13 refresh your memory as to that?

04:00PM 14 A. October 2019.

04:00PM 15 Q. Don't -- don't -- I don't want you to answer the
04:00PM 16 question, just ask -- just take a look at the page, see if
04:00PM 17 that date on the page helps refresh your memory as to when
04:00PM 18 you testified in the grand jury.

04:00PM 19 A. It was in December.

04:00PM 20 **MR. SINGER:** Okay. So if you can take that down,
04:00PM 21 Ms. Champoux.

04:00PM 22 **BY MR. SINGER:**

04:00PM 23 Q. So you don't have any reason to disagree with me that you
04:00PM 24 testified in the grand jury on December 10th, 2020, correct?

04:00PM 25 A. I believe so, yes.

04:00PM 1 Q. And that was a number of years ago, correct?

04:01PM 2 Was 2020 a number of years ago, ma'am?

04:01PM 3 A. Four years ago.

04:01PM 4 Q. And you'd agree with me that when you testified before
04:01PM 5 the grand jury, the events that you're relating to the grand
04:01PM 6 jury were more fresh in your mind then than they are four
04:01PM 7 years later today, correct?

04:01PM 8 A. I mean, I wouldn't say that.

04:01PM 9 Q. Did your memory get better over time, ma'am?

04:01PM 10 A. I mean, probably.

04:01PM 11 Q. Probably?

04:01PM 12 A. Yeah. I do brain training.

04:01PM 13 Q. You do -- I'm sorry, what again?

04:01PM 14 A. Brain training.

04:01PM 15 Q. What is brain training?

04:01PM 16 A. It's an app. Makes your -- makes you sharper.

04:01PM 17 Q. You --

04:01PM 18 A. What I'm saying is, anything -- you remember things --

04:01PM 19 **MR. COOPER:** Judge, I'm objecting right now. There's
04:01PM 20 no question before the witness.

04:01PM 21 **THE COURT:** Stop.

04:01PM 22 **MR. COOPER:** There's no question before the witness.

04:01PM 23 **THE COURT:** Overruled. Go ahead, ma'am.

04:01PM 24 **THE WITNESS:** If you don't remember everything
04:01PM 25 specifically exactly as it happened, or when it happened, and

04:01PM 1 then I remember it, I mean, that's not -- we're talking 2009.

04:02PM 2 It's 2024. So, I -- I mean --

04:02PM 3 **BY MR. SINGER:**

04:02PM 4 Q. And I guess that's what I'm getting at, ma'am, is that
04:02PM 5 we're talking about events that happened a long time ago,
04:02PM 6 right?

04:02PM 7 A. Um-hum.

04:02PM 8 Q. We're talking about a time that you testified in 2020,
04:02PM 9 which was more recent to 2009 than today, correct?

04:02PM 10 A. Correct.

04:02PM 11 Q. Well, what you're telling the jury is that based on this
04:02PM 12 brain training app that you have on your phone, you believe
04:02PM 13 you --

04:02PM 14 A. It's not based on the brain training app.

04:02PM 15 Q. Well, didn't you talk about --

04:02PM 16 A. I'm saying I -- thinking about it, I must have met him
04:02PM 17 more times than just the two times.

04:02PM 18 Q. And you'd agree with me that up until today, you never
04:02PM 19 told law enforcement that when they interviewed you, correct?

04:02PM 20 A. What do you mean by that?

04:02PM 21 Q. You never told law enforcement about any other meetings
04:02PM 22 that you had with Mr. Bongiovanni in 2009, correct?

04:02PM 23 A. Correct.

04:02PM 24 Q. And you never testified before the grand jury about any
04:03PM 25 other meetings you had in 2009 with Mr. Bongiovanni, correct?

04:03PM 1 A. Correct.

04:03PM 2 Q. So you'd agree with me that you saying on the stand today
04:03PM 3 right here that you had additional meetings with him in 2009
04:03PM 4 is something that's new?

04:03PM 5 A. Something that I didn't remember at the time.

04:03PM 6 Q. But you --

04:03PM 7 A. I didn't think of. I didn't think of it.

04:03PM 8 Q. Okay. So at this meeting the first time, you talked
04:03PM 9 about how it was superficial, correct?

04:03PM 10 A. Correct.

04:03PM 11 Q. You talked about how it was a handshake and an
04:03PM 12 introduction, and that was all, correct?

04:03PM 13 A. Yes.

04:03PM 14 Q. You talked about how it was at 5 p.m.; is that right?

04:03PM 15 A. It was around 5 p.m., it was just opening.

04:03PM 16 Q. And you remember telling the grand jury about how Peter
04:03PM 17 Gerace was not using drugs that time during the first
04:03PM 18 meeting, correct?

04:03PM 19 A. Can you be more specific?

04:03PM 20 Q. Sure. During this first meeting, you don't recall Peter
04:03PM 21 Gerace being high on any drugs, correct?

04:03PM 22 A. I don't remember.

04:04PM 23 Q. You don't remember?

04:04PM 24 A. I mean, he probably -- he probably was, to be honest with
04:04PM 25 you.

04:04PM 1 Q. Do you remember testifying before the grand jury about
04:04PM 2 that, ma'am?

04:04PM 3 A. I don't remember exactly what I said. I mean, we're
04:04PM 4 talking about 2020 again. It's 2024. People came knocking
04:04PM 5 on my door, and I was baking cookies, and I was told that I
04:04PM 6 had to come and testify in front of a federal grand jury.

04:04PM 7 Now, I haven't been -- I've been out of that scene for a
04:04PM 8 long time. So, excuse me if I didn't remember every single
04:04PM 9 detail.

04:04PM 10 Q. You don't recall Mr. Bongiovanni using any type of drugs
04:04PM 11 during this first meeting that you met him at Pharaoh's,
04:04PM 12 correct?

04:04PM 13 A. No. No.

04:04PM 14 Q. And the second time that you met him at Pharaoh's for
04:04PM 15 this Red Bull event, you don't recall Mr. Bongiovanni doing
04:04PM 16 any type of drugs in those meetings either, correct?

04:04PM 17 A. Correct.

04:04PM 18 Q. And so I guess this new time that you just talked about
04:05PM 19 today, this is when you believe Mr. Bongiovanni and other
04:05PM 20 people went into the garage with Peter Gerace; is that right?

04:05PM 21 A. Yes.

04:05PM 22 Q. You left the garage when they went into the garage,
04:05PM 23 correct?

04:05PM 24 A. Yes.

04:05PM 25 Q. And so you couldn't tell the jury what they were doing

04:05PM 1 inside the garage, correct?

04:05PM 2 A. No.

04:05PM 3 **MR. SINGER:** Just a moment, Judge.

04:06PM 4 Thank you, Ms. K.L. No further questions.

04:06PM 5 **THE COURT:** Redirect?

04:06PM 6

04:06PM 7 **REDIRECT EXAMINATION BY MR. COOPER:**

04:06PM 8 Q. K.L., you were asked some questions on cross-examination,
04:06PM 9 and you said that when you were pulled to testify before a
04:06PM 10 grand jury under a subpoena, you were baking cookies, right?

04:06PM 11 A. Yes.

04:06PM 12 Q. Did you have a business at that time?

04:06PM 13 A. I did.

04:06PM 14 Q. What was it called?

04:06PM 15 A. K.L.'s Cookies.

04:06PM 16 Q. Is December a busy month for K.L.'s Cookies?

04:06PM 17 A. Yes.

04:06PM 18 Q. Were you excited about the idea of going to testify
04:06PM 19 before a grand jury?

04:06PM 20 A. No.

04:06PM 21 Q. Okay. You were asked some questions as well about the
04:06PM 22 third meeting that you've testified about today where you saw
04:06PM 23 the defendant go into the garage with Peter Gerace and some
04:06PM 24 other individuals; do you remember being asked those
04:07PM 25 questions?

04:07PM 1 A. Yes.

04:07PM 2 Q. Do you remember discussing that with Special Agent Ralph
04:07PM 3 Joseph from the FBI and prosecutors from the U.S. Attorney's
04:07PM 4 Office, like, two weeks ago?

04:07PM 5 A. Yes.

04:07PM 6 Q. Okay. So today is not first time you said that, right?

04:07PM 7 A. Yeah. Today is not the first time.

04:07PM 8 Q. Okay. Is it fair to say that you've had numerous
04:07PM 9 meetings with agents and prosecutors discussing the events
04:07PM 10 surrounding this case?

04:07PM 11 A. Yes.

04:07PM 12 Q. Okay. Those conversations sometimes last a couple hours,
04:07PM 13 right?

04:07PM 14 A. Yes.

04:07PM 15 Q. Do you discuss the events in detail? Do you discuss what
04:07PM 16 you remember in detail?

04:07PM 17 A. Yes.

04:07PM 18 Q. Okay. And during those discussions, does sometimes
04:07PM 19 something pop into your mind --

04:07PM 20 A. Yes.

04:07PM 21 Q. -- that you hadn't thought of before?

04:07PM 22 A. Yes.

04:07PM 23 Q. When you testified in the grand jury, were you
04:07PM 24 intentionally holding back a garage meeting involving the
04:07PM 25 defendant?

04:07PM 1 A. No.

04:07PM 2 **MR. SINGER:** Object to form.

04:07PM 3 **THE COURT:** Sustained.

04:07PM 4 You can answer, go ahead.

04:07PM 5 **THE WITNESS:** No.

04:07PM 6 **THE COURT:** No, no. Sorry. The jury will strike

04:07PM 7 that answer.

04:07PM 8 You can ask the next question.

04:08PM 9 **BY MR. COOPER:**

04:08PM 10 Q. When you testified in the grand jury, did you withhold

04:08PM 11 that information about a third meeting on purpose?

04:08PM 12 A. No.

04:08PM 13 Q. Why didn't you tell the grand jury about it back in 2020?

04:08PM 14 A. I didn't think of it.

04:08PM 15 Q. Okay. Did you think of it after 2020?

04:08PM 16 A. Yes.

04:08PM 17 Q. Did you tell the FBI --

04:08PM 18 A. Yes.

04:08PM 19 Q. -- about it when you --

04:08PM 20 A. Yes, sir.

04:08PM 21 Q. -- thought about it?

04:08PM 22 A. Yes.

04:08PM 23 Q. Okay.

04:08PM 24 **MR. COOPER:** Judge, can I just have one second?

04:08PM 25 **THE COURT:** Sure.

04:08PM 1 **MR. COOPER:** Thank you. I have no further redirect.

04:08PM 2 **THE COURT:** Anything more?

04:08PM 3 **MR. SINGER:** No recross, Judge.

04:08PM 4 **THE COURT:** Okay. You can step down, ma'am.

04:08PM 5 **THE WITNESS:** Thank you.

04:08PM 6 (Witness excused at 4:08 p.m.)

04:08PM 7 (Excerpt concluded at 4:08 p.m.)

04:08PM 8 * * * * * * *

04:08PM 9

04:08PM 10

04:08PM 11

04:08PM 12 **CERTIFICATE OF REPORTER**

04:08PM 13

04:08PM 14 In accordance with 28, U.S.C., 753(b), I
04:08PM 15 certify that these original notes are a true and correct
04:08PM 16 record of proceedings in the United States District Court for
04:08PM 17 the Western District of New York on March 5, 2024.

04:08PM 18

04:08PM 19

04:08PM 20 s/ Ann M. Sawyer

04:08PM 21 Ann M. Sawyer, FCRR, RPR, CRR
04:08PM 22 Official Court Reporter
04:08PM 23 U.S.D.C., W.D.N.Y.

04:08PM 24

04:08PM 25

TRANSCRIPT INDEX

EXCERPT - EXAMINATION OF K.L.

MARCH 5, 2024

W I T N E S S

PAGE

K. L.

2

DIRECT EXAMINATION BY MR. COOPER:

3

CROSS-EXAMINATION BY MR. SINGER:

64

REDIRECT EXAMINATION BY MR. COOPER:

76